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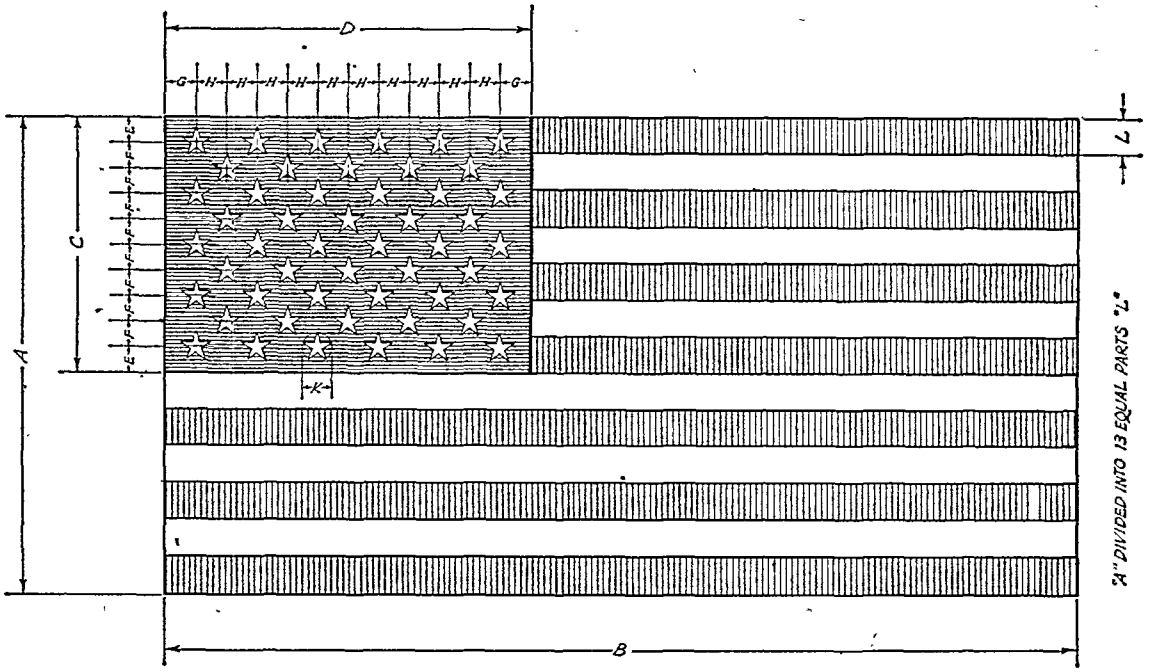

STANDARD PROPORTIONS									
HOIST (WIDTH) OF FLAG	FLY (LENGTH) OF FLAG	HOIST (WIDTH) OF UNION	FLY (LENGTH) OF UNION					DIAMETER OF STAR	WIDTH OF STRIPE
1.	1.9	.5385($\frac{7}{13}$)	.76	.054	.054	.063	.063	.0616	.0769($\frac{1}{13}$)
A	B	C	D	E	F	G	H	K	L

Title 3—THE PRESIDENT

Executive Order 10834

THE FLAG OF THE UNITED STATES

WHEREAS the State of Hawaii has this day been admitted into the Union; and

WHEREAS section 2 of title 4 of the United States Code provides as follows: "On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission."; and

WHEREAS the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authorizes the President to prescribe policies and directives governing the procurement and utilization of property by executive agencies; and

WHEREAS the interests of the Government require that orderly and reasonable provision be made for various matters pertaining to the flag and that appropriate regulations governing the procurement and utilization of national flags and union jacks by executive agencies be prescribed:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, and the Federal Property and Administrative Services Act of 1949, as amended, it is hereby ordered as follows:

PART I—DESIGN OF THE FLAG

SECTION 1. The flag of the United States shall have thirteen horizontal stripes, alternate red and white, and a union consisting of white stars on a field of blue.

SEC. 2. The positions of the stars in the union of the flag and in the union jack shall be as indicated on the attachment to this order, which is hereby made a part of this order.

SEC. 3. The dimensions of the constituent parts of the flag shall conform to the proportions set forth in the attachment referred to in section 2 of this order.

(Continued on p. 6867)

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

PART II—REGULATIONS GOVERNING EXECUTIVE AGENCIES

SEC. 21. The following sizes of flags are authorized for executive agencies:

Size	Dimensions of flag	
	Hoist (width)	Fly (length)
	Feet	*Feet*
(1)	20.00	38.00
(2)	10.00	19.00
(3)	8.95	17.00
(4)	7.00	11.00
(5)	5.00	9.50
(6)	4.33	5.50
(7)	3.50	6.65
(8)	3.00	4.00
(9)	3.00	5.70
(10)	2.37	4.50
(11)	1.32	2.50

SEC. 22. Flags manufactured or purchased for the use of executive agencies:

(a) Shall conform to the provisions of Part I of this order, except as may be otherwise authorized pursuant to the provisions of section 24, or except as otherwise authorized by the provisions of section 21, of this order.

(b) Shall conform to the provisions of section 21 of this order, except as may be otherwise authorized pursuant to the provisions of section 24 of this order.

SEC. 23. The exterior dimensions of each union jack manufactured or purchased for executive agencies shall equal the respective exterior dimensions of the union of a flag of a size authorized by or pursuant to this order. The size of the union jack flown with the national flag shall be the same as the size of the union of that national flag.

SEC. 24. (a) The Secretary of Defense in respect of procurement for the Department of Defense (including military colors) and the Administrator of General Services in respect of procurement for executive agencies other than the Department of Defense may, for cause which the Secretary or the Administrator, as the case may be, deems sufficient, make necessary minor adjustments in one or more of the dimensions or proportionate dimensions prescribed by this order, or authorize proportions or sizes other than those prescribed by section 3 or section 21 of this order.

(b) So far as practicable, (1) the actions of the Secretary of Defense under the provisions of section 24(a) of this order, as they relate to the various organizational elements of the Department of Defense, shall be coordinated, and (2) the Secretary and the Administrator shall mutually coordinate their actions under that section.

SEC. 25. Subject to such limited exceptions as the Secretary of Defense in respect of the Department of Defense, and the Administrator of General Services in respect of executive agencies other than the Department of Defense, may approve, all national flags and union jacks now in the possession of executive agencies, or hereafter acquired by executive agencies under contracts awarded prior to the date of this order, including those so possessed or so acquired by the General Services Administration for distribution to other agencies, shall be utilized until unserviceable.

PART III—GENERAL PROVISIONS

SEC. 31. The flag prescribed by Executive Order No. 10798 of January 3, 1959, shall be the official flag of the United States until July 4, 1960, and on that date the flag prescribed by Part I of this order shall become the official flag of the United States; but this section shall neither derogate from section 24 or section 25 of this order nor preclude the procurement, for executive agencies, of flags provided for by or pursuant to this order at any time after the date of this order.

SEC. 32. As used in this order, the term "executive agencies" means the executive departments and independent establishments in the executive branch of the Government, including wholly-owned Government corporations.

SEC. 33. Executive Order No. 10798 of January 3, 1959, is hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
WASHINGTON, D.C.,
August 21, 1959.

[F.R. Doc. 59-7096; Filed, Aug. 24, 1959; 9:31 a.m.]

Executive Order 10833

TRANSFERRING TITLE TO CERTAIN LANDS AT SAND ISLAND, TERRITORY OF HAWAII, TO THE TERRITORY OF HAWAII

WHEREAS the act of August 25, 1958 (72 Stat. 850), authorizes the President of the United States, when he determines that land comprising any portion or portions of Sand Island Military Reservation and the Navy Harbor Entrance Control Post, Honolulu, Territory of Hawaii, including submerged lands therein, not to exceed in the aggregate 202 acres, is no longer required or is not required for military purposes, to transfer to the Territory of Hawaii, by Executive Order, all the right, title and interest of the United States in said land, together with the improvements thereon, and to grant nonexclusive easements over other land comprised within the Sand Island Military Reservation and the Navy Harbor Entrance Control Post in favor of the Territory of Hawaii which he shall deem necessary for the proper enjoyment of the premises transferred; and

WHEREAS the hereinafter-described land is not required for military purposes;

NOW, THEREFORE, by virtue of the authority vested in me by the abovementioned act of August 25, 1958, it is ordered as follows:

1. Subject to the terms, conditions, and reservations hereinafter set forth, title to the following-described tract of land at Sand Island, City and County of Honolulu, Territory of Hawaii, being portions of the Sand Island Military Reservation and the Navy Harbor Entrance Control Post as at present constituted, and being also portions of the land described in section 203 of the Public Buildings Act of 1949 (63 Stat. 177), in paragraph (b) of Presidential Executive Order No. 6584 of February 6, 1934, and as Tract 1 in Presidential Executive Order No. 3358 of November 24, 1920, together with the improvements located thereon, is hereby transferred to the Territory of Hawaii.

Beginning at the west corner of this tract of land, on the southeasterly boundary of Honolulu International Airport (Governor's Executive Order 1016, dated April 12, 1943), and on the northwesterly boundary of the City and County of Honolulu's Sewage Treatment Plant (Governor's Executive Order 1188, dated February 5, 1947), the coordinates of said point of beginning referred to Government Survey Triangulation Station "United States Engineer, North Base" being 798.43 feet North and 4368.19 feet West, as shown on Government Survey Registered Map 4100, thence running by azimuths measured clockwise from true South:

1. 195°55'..... 1767.17 feet along Honolulu International Airport (Governor's Executive Order 1016);
2. 216°40'..... 174.27 feet along Honolulu International Airport (Governor's Executive Order 1016);
3. 302°23'30"... 4233.08 feet along the remainder of Sand Island Military Reservation (being the remainders of Tract 1 of Presidential Executive Order 3358, the land described in Public Law 105, Chapter 218, 81st Congress, 1st Session, Section 203, and Tract "b" of Presidential Executive Order 6584);
4. Thence along the remainder of Sand Island Military Reservation (Remainder of Tract 1 of Presidential Executive Order 3358), on a curve to the right, with a radius of 425.00 feet, the chord azimuth and distance being: 316°44'15" 209.41 feet to a pipe in concrete, the true azimuth and distance from said pipe in concrete to Government Survey Triangulation Station "United States Engineer, North Base" being: 343°00'50" 221.95 feet;
5. 331°00'..... 1180.52 feet along the remainder of Sand Island Military Reservation (Remainder of Tract 1 of Presidential Executive Order 3358);
6. 26°55'40"... 204.12 feet along the remainder of Sand Island Military Reservation (Remainder of Tract 1 of Presidential Executive Order 3358), along Department of Navy Parcel under Department of Army Permit Control Symbol 132-36, dated December 8, 1958, to a spike in concrete fence footing;
7. 26°55'40"... 775.96 feet along the remainder of Sand Island Military Reservation (Remainder of Tract 1 of Presidential Executive Order 3358), to the seaward face of seawall;
8. 115°36'..... 1231.72 feet along seaward face of seawall along highwater mark;
9. 122°02'05"... 3153.90 feet along the remainder of Sand Island Military Reservation (Remainder of Tract 1 of Presidential Executive Order 3358);
10. 154°00'10"... 292.52 feet along the City and County of Honolulu's Sewage Treatment Plant (Governor's Executive Order 1188);
11. 104°42'40"... 382.57 feet along the City and County of Honolulu's Sewage Treatment Plant (Governor's Executive Order 1188);
12. 64°00'10"... 165.91 feet along the City and County of Honolulu's Sewage Treatment Plant (Governor's Executive Order 1188) to the point of beginning and containing an AREA OF 202.00 ACRES.

2. The transfer of the above-described land shall be subject to the following reservations, terms, and conditions:

(a) A reservation of easements and improvements appurtenant thereto, in favor of the United States of America for all existing utilities over, under, and across the above-described tract of land appurtenant to the remaining lands owned by the United States of America, subject, however, to future relocation and removal of any and all such existing utilities to a more convenient or practical location by the Territory of Hawaii at its own cost, and provided that upon abandonment of any or all of such existing utilities, the easements reserved herein in favor of the United States of America shall thereby terminate and be of no further force or effect with respect to those utilities which have been abandoned.

(b) Pursuant to the terms of the act of August 25, 1958, the Territory of Hawaii shall relocate or procure the relocation on Sand Island of the Navy tower and other facilities appurtenant thereto on the southern shore of Sand Island. Until such relocation is completed, there are hereby reserved to the United States all such portions of the land hereinabove described as are needed for the full enjoyment of such facilities.

(c) The land transferred by this order to the Territory of Hawaii shall be subject to all the laws, rules and regulations with respect to airport zoning which are now, or may hereafter be, in effect.

(d) The Territory of Hawaii shall provide such rights of access and utility easements as are necessary to serve those portions of land retained by the United States on Sand Island.

(e) The sale, lease, or other disposition of the lands transferred by this order shall be subject to the provisions of the act of August 25, 1958, with respect to the sale, lease, or other disposition of such lands.

(f) The land transferred by this order shall be subject to such other provisions as are contained in the act of August 25, 1958.

3. Any lands transferred by this order which are now reserved or set aside under any Presidental Executive order, or which are under the jurisdiction and control of the United States Government are hereby withdrawn from the application of any such orders or from such jurisdiction and control.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 20, 1959.

[F.R. Doc. 59-7087; Filed, Aug. 21, 1959; 4:24 p.m.]

Executive Order 10835

DELEGATING TO THE CHAIRMAN OF THE CIVIL SERVICE COMMISSION THE AUTHORITY OF THE PRESIDENT TO MAKE CERTAIN DETERMINATIONS RELATING TO THE PAYMENT OF PRESIDENTIAL AWARDS

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, the Chairman of the United States Civil Service Commission is hereby designated and empowered, without approval, ratification, or other action of the President, to exercise the authority vested in the President by subsection (e) of section 304 of the Government Employees' Incentive Awards Act (68 Stat. 1113; 5 U.S.C. 2123(e)) to determine the activity primarily benefiting, or the various activities benefiting, from any suggestion, invention, superior accomplishment, or other personal effort of any civilian officer or employee of the Government which constitutes the basis of any Presidential award or honorary recognition made or granted under subsection (b) of section 304 of that act (68 Stat. 1113; 5 U.S.C. 2123(b)).

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 21, 1959.

[F.R. Doc. 59-7097; Filed, Aug. 24, 1959; 9:31 a.m.]

Proclamation 3309

ADMISSION OF THE STATE OF HAWAII INTO THE UNION

By the President of the United States of America

A Proclamation

WHEREAS the Congress of the United States by the act approved on March 18, 1959 (73 Stat. 4), accepted, ratified, and confirmed the constitution adopted by a vote of the people of Hawaii in an election held on November 7, 1950, and provided for the admission of the State of Hawaii into the Union on an equal footing with the other States upon compliance with certain procedural requirements specified in that act; and

WHEREAS it appears from the information before me that a majority of the legal votes cast at an election on June 27, 1959, were in favor of each of the propositions required to be submitted to the people of Hawaii by section 7(b) of the act of March 18, 1959; and

WHEREAS it further appears from information before me that a general election was held on July 28, 1959, and that the returns of the general election were made and certified as provided in the act of March 18, 1959; and

WHEREAS the Governor of Hawaii has certified to me the results of the submission to the people of Hawaii of the three propositions set forth in section 7(b) of the act of March 18, 1959, and the results of the general election; and

WHEREAS I find and announce that the people of Hawaii have duly adopted the propositions required to be submitted to them by the act of March 18, 1959, and have duly elected the officers required to be elected by that act:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United

States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Hawaii to entitle that State to admission into the Union have been complied with in all respects and that admission of the State of Hawaii into the Union on an equal footing with the other States of the Union is now accomplished.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington at four p.m. E.D.T. on this twenty-first day of August in the year of our [SEAL] Lord nineteen hundred and fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-7113; Filed, Aug. 24, 1959; 11:17 a.m.]

RULES AND REGULATIONS

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1940–1950)

Formal Reconsideration of Determination by Bureau of Old-Age and Survivors Insurance as Condition Precedent to Hearing

Regulations No. 3, as amended (20 CFR 403.1 et seq.), are further amended as follows:

1. Section 403.706(b) is amended to read as follows:

§ 403.706 Initial determination.

* * * * *

(b) *Notice of initial determination.* Written notice of an initial determination shall be mailed to the party to the determination at his last known address, except that no such notice shall be required in the case of a determination that a party's entitlement to benefits has ended because of such party's death (see paragraph (a)(3) of this section). If the initial determination disallows, in whole or in part, the application or request of a party, or if the initial determination is to the effect that a husband, widower, parent, or former wife divorced was not receiving the requisite support from an insured individual, or that a child was not dependent on an insured individual, or that a party's entitlement to benefits has ended, or that a reduction, deduction, or adjustment is to be made in benefits or a lump sum, or that a period of disability established for a party has terminated, the notice of the determination sent to the party shall state the basis for the determination. Such notice shall also inform the party of the right to reconsideration (see § 403.708(a)) unless such determination is to the effect that a deduction or termination is to be made and such determination is based upon facts reported to the Bureau by the party to the determination.

2. Section 403.707 is amended to read as follows:

§ 403.707 Reconsideration and hearing.

A party who is dissatisfied with an initial determination may request that the Bureau reconsider such determination, as provided in § 403.708. If a request for reconsideration is filed, such action shall not constitute a waiver of the right to a hearing subsequent to such reconsideration if the party requesting such reconsideration is dissatisfied with the determination of the Bureau made on such reconsideration; and a request for a hearing may thereafter be filed, as is provided in § 403.709(a).

3. Section 403.708 is amended to read as follows:

§ 403.708 Reconsideration.

(a) *Right to reconsideration.* The Bureau shall reconsider an initial determination if a written request for reconsideration is filed, as provided in paragraph (b) of this section, by the party to the initial determination (see § 403.706(a)). The Bureau shall also reconsider an initial determination (see §§ 403.706(a) (1) to (4), inclusive), unless the determination is with respect to the revision of the Administration's earnings records, if a written request for reconsideration is filed, as provided in paragraph (b) of this section, by an individual as a wife, widow, former wife divorced, husband, widower, child, parent, or individual alleging equitable entitlement to a lump sum, who makes a showing in writing that his or her rights with respect to benefits, a lump sum, or a period of disability may be prejudiced by such determination. The Bureau shall also reconsider an initial determination relating to the revision of the Administration's record of the earnings (see § 403.706(a)(5)) of a deceased individual if a written request for reconsideration is filed, as provided in paragraph (b) of this section, by such individual's widow, former wife divorced, widower, child, parent, or an individual alleging equitable entitlement to a lump sum.

(b) *Time and place of filing request.* The request for reconsideration shall be made in writing and filed at an office of the Bureau or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing reconsideration with respect to his application to establish a period of disability under section 216(i) of the act, at an office of the Railroad Retirement Board, within 6 months from the date of mailing notice of the initial determination, unless such time is extended as provided in § 403.701(j) or § 403.711(a).

(c) *Parties to the reconsideration.* The parties to the reconsideration shall be the person who was the party to the initial determination (see § 403.706(a)), and any other person referred to in paragraph (a) of this section, upon whose request the initial determination is reconsidered.

(d) *Notice of reconsideration.* If the request for reconsideration is filed by a person other than the party to the initial determination, the Bureau shall, before such reconsideration, mail a written notice to such party at his last known address, informing him that the initial determination is being reconsidered. In addition, the Bureau shall give such party a reasonable opportunity to present such evidence and contentions as to fact or law, as he may desire, relative to the determination.

(e) *Reconsidered determination.* The Bureau shall, when a request for reconsideration has been filed, as provided in paragraphs (a) and (b) of this section, reconsider the initial determination in question and the findings upon which it was based; and upon the basis of the evidence considered in connection with the initial determination and whatever other evidence is submitted by the parties or is otherwise obtained, the Bureau shall make a reconsidered determination affirming or revising, in whole or in part, the findings and determination in question.

(f) *Notice of reconsidered determination.* Written notice of the reconsidered determination shall be mailed to the parties at their last known addresses. The reconsidered determination shall state the basis therefor and inform the parties of their right to a hearing (see § 403.709(a)).

(g) *Effect of reconsidered determination.* The reconsidered determination shall be final and binding upon all parties to the reconsideration unless a hearing is requested in accordance with § 403.709(b) or unless such determination is revised in accordance with § 403.711(b).

4. Section 403.709 (a), (b), (c), (e) (2), and (i) amended to read as follows:

§ 403.709 Hearing.

(a) *Right to hearing.* Any party designated in paragraph (c) of this section shall be entitled to a hearing with respect to any matter designated in § 403.706(a) after an initial and reconsidered determination has been made by the Bureau (see §§ 403.706–403.708, inclusive), if such party files a written request for a hearing, as provided in paragraph (b) of this section.

(b) *Time and place of filing request.* The request for hearing shall be made in

writing and filed at an office of the Bureau, or with a hearing examiner, or the Appeals Council in the Office of Hearings and Appeals in the Social Security Administration, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this part) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing a hearing with respect to his application to establish a period of disability under section 216(i) of the act, at an office of the Railroad Retirement Board. The request for hearing must be filed within 6 months after the date of mailing notice of the reconsidered determination to such individual, except where the time is extended as provided in § 403.701(j) or § 403.711(a).

(c) *Parties to a hearing.* The parties to a hearing shall be the person or persons who were parties to the initial determination in question and the reconsideration. Any other individual may be made a party, if such individual's rights with respect to benefits, a lump sum, or a period of disability may be prejudiced by the decision, upon notice given to him by the hearing examiner to appear at the hearing in support of his interest.

* * * * *

(e) *Time and place of hearing, and hearing on new issues.*

* * * * *

(2) At any time after a request for hearing has been made, as provided in this section, but prior to the mailing of notice of the decision, the hearing examiner may, in his discretion, either on the application of a party or on his own motion, in addition to the matters brought before him by the request for hearing, give notice that he will also consider any specified related issue or any stated new issue (whether similar or different in nature) designated in § 403.706(a), which may affect the rights of any party to the matter pending before him, even though the Bureau has not made an initial and reconsidered determination with respect to such new issue: *Provided, however,* That notice of the time and place of the hearing on any new issue shall, unless waived, be given to the parties within the time and the manner specified in this paragraph. Upon the giving of such notice, the hearing examiner shall, except as otherwise provided, proceed to hearing on such new issue in the same manner as he would on an issue on which an initial and reconsidered determination has been made by the Bureau and a hearing requested with respect thereto by a party entitled to such hearing.

* * * * *

(i) *Waiver of right to appear and present evidence.* If all parties waive their right to appear before the hearing examiner and present evidence and contentions personally or by representative, it shall not be necessary for the hearing examiner to give notice of and conduct an oral hearing, as provided in this section. A waiver of the right to appear and present evidence and allegations as to fact and law shall be made in writing and filed with the hearing examiner. Such waiver may be withdrawn by a party at any time prior to the mailing of notice of the decision in the case. Even though all of the parties have filed a waiver of the right to appear and present evidence and contentions at a hearing before the hearing examiner, the hearing examiner may, nevertheless, give notice of a time and place and conduct a hearing as provided in this section, if he believes that the personal appearance and testimony of the party or parties would assist him to ascertain the facts in issue in the case. Where such a waiver has been filed by all parties, and they do not appear before the hearing examiner personally or by representative, the hearing examiner shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial determination and reconsideration, and whatever additional evidence the party or parties may present in writing for consideration by the hearing examiner. Such documents shall be considered as all of the evidence in the case and the decision, as provided for in paragraph (k) of this section, shall be based on them.

5. Section 403.711(a)(2) is amended to read as follows:

§ 403.711 Extension of time and revision.

(a) *Extension of time to request hearing or review or begin civil action.*

* * * * *

(2) Any party to a reconsidered determination, a decision of a hearing examiner, or a decision of the Appeals Council may petition for an extension of time for filing a request for hearing or review or commencing a civil action in a district court, as the case may be, although the time for filing such request or commencing such action (see §§ 403.708(b) and 403.710(b) and section 205(g) of the act) has passed. If an extension of the time fixed by § 403.709(b) for requesting a hearing before a hearing examiner is sought, the petition may be filed with such hearing examiner or the Appeals Council. In any other case, such petition shall be filed with the Appeals Council. The petition shall be in writing and shall state the reasons why the request or action was not filed within the required time. For good cause shown, a hearing examiner or the Appeals Council, as the case may be, may extend the time for filing such request or action, except that no such extension shall be granted where the sole purpose of the request is to seek the revision of an individual's earnings record or of a finding as to wages or self-employment income in connection with an application for benefits, a lump sum, or a period of disability, after such revision is precluded by the provisions of §§ 404.804 or 404.806. Where a hearing examiner or the Appeals Council in a proper case has extended the time for filing such request or action, no revision of an individual's earnings record or of a finding as to wages or self-employment income may be made except as is otherwise provided in the regulations in this Subpart G.

Effective date. The provisions of the foregoing amendments, insofar as they require formal reconsideration of an initial determination by the Bureau of Old-Age and Survivors Insurance as a prerequisite to hearing thereon, shall become effective 60 days after the date of publication in the FEDERAL REGISTER; in all other respects the foregoing amendments shall become effective upon such date of publication.

(Sec. 205(a), 53 Stat. 1368 as amended, section 1102, 49 Stat. 647 as amended; 42 U.S.C. 405(a), 1302; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18. Applies section 205(a), 53 Stat. 1368; 42 U.S.C. 405(a))

[SEAL] GEORGE K. WYMAN,
Acting Commissioner of Social Security.

Approved: August 19, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

AUGUST 10, 1959.

[F.R. Doc. 59-7028; Filed, Aug. 24, 1959; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

1. In Part 200 Subpart D, designated section headings in the table of contents are revoked and added as follows:

Sec.
200.69 [Revoked].
200.77 Comptroller and Deputy.
200.104 Assistant Commissioner for Field Operations, Zone Operations Commissioners, Directors, Assistant Directors, Administrative Officers and Chief Clerks in FHA Field Offices, Assistant Commissioner for Administration, Director of Personnel and Deputy Director of Personnel.

2. In § 200.68 paragraph (b) is amended to read as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * *

(b) To be responsible to the Commissioner for the coordination and general supervision of the Personnel Division, the General Services Division, and the Budget Division comprising all personnel policies, procedures, activities and functions, all administrative services, all

budget activities and organization structures and related matters.

3. Section 200.69 is revoked as follows:

§ 200.69 **Comptroller and Deputy.**

[Revoked].

4. In Part 200 Subpart D is amended by adding a new § 200.77 to read as follows:

§ 200.77 **Comptroller and Deputy.**

To the position of Comptroller and under his general supervision to the position of Deputy Comptroller there is delegated the following basic authority and functions:

(a) To devise and establish accounting procedures and to administer the fiscal policies and activities of the Administration.

(b) To approve all expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act.

(c) To certify that all required documents, information and approvals respecting each transaction are present; verify the accuracy of the computations, the consistency of the information included in the various documents; and determine that the transaction is in strict accordance with all applicable regulations, decisions and laws.

(d) To endorse checks for deposit or collection.

(e) To certify financial statements.

(f) To recommend investments for the insurance funds of the Federal Housing Administration, liquidation of investments and redemption of debentures and to maintain liaison with the Treasury Department in the execution of approved fiscal proposals.

(g) To certify as to delegations of authority by the Commissioner and as to the truth or accuracy of copies of original papers or documents in the possession of the Administration.

(h) To execute vouchers or applications and receipt for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired under the provisions of the National Housing Act.

(i) To designate certifying officers and to revoke such designations to execute and submit to the Treasury Department necessary statements and schedules with respect thereto, and perform all functions pertaining to the bonding of FHA employees, pursuant to applicable statutes and the standards and procedures of the Secretary of the Treasury thereunder.

(j) To execute Certificates of Claim and certify the requisitions to the Treasury Department for the issuance of debentures.

(k) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting and fiscal matters and to collaborate with such departments and agencies in the formation of accounting and fiscal programs.

(l) To provide an integrated electronic data processing service to all organizational units of the FHA, including consultative and advisory services relating to surveying, programming and cost-analyzing proposed conversions to such processing.

(m) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

5. In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 **Executive Board.**

(a) *Members.* The committee called the Executive Board is composed of the following members: Commissioner, Chairman; Deputy Commissioner, Vice Chairman; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Mortgages and Properties; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Title I; Assistant Commissioner for Audit and Examination; Assistant Commissioner for Administration; and Comptroller.

6. In Part 200 Subpart D is amended by adding a new § 200.104 to read as follows:

§ 200.104 **Assistant Commissioner for Field Operations, Zone Operations Commissioners, Directors, Assistant Directors, Administrative Officers and Chief Clerks in FHA Field Offices, Assistant Commissioner for Administration, Director of Personnel and Deputy Director of Personnel.**

To the Assistant Commissioner for Field Operations, Zone Operations Commissioners, Directors, Assistant Directors, Administrative Officers and Chief Clerks in FHA Field Offices, the Assistant Commissioner for Administration, the Director of Personnel and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal government, or any other oath required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

The authority of this section covers the administration of Appointment Affidavits, Standard Form 61, and oaths to witnesses in any matter pending before the United States Civil Service Commission.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interpret or apply sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 907, 65 Stat. 301, sec. 807, 63 Stat. 570, as amended; 12 U.S.C. 1715b, 1742, 1748f, 1750f)

Issued at Washington, D.C., August 19, 1959.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59-7033; Filed, Aug. 24, 1959; 8:48 a.m.]

SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 292a—ARMED SERVICES HOUSING INSURANCE: ELIGIBILITY REQUIREMENTS OF MORTGAGE

PART 293a—ARMED SERVICES HOUSING INSURANCE: RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Military Personnel

1. Section 292a.11 is amended to read as follows:

§ 292a.11 **Payment requirements.**

(a) The mortgage shall provide for monthly payments on the first day of each month by the mortgagor to the mortgagee on account of interest and principal.

(b) Such monthy payments will be on a level annuity basis.

(c) The Commissioner shall establish the date of the first payment to principal on the first day of the first month which falls not less than 60 days after the date fixed for the completion of construction in the Housing Contract.

(d) Before final endorsement for insurance, where necessary, the mortgage shall be modified, so that in no event shall the first payment to principal be later than the first day of the first month which falls not less than 30 days after such final endorsement.

2. Section 292a.18 is amended to read as follows:

§ 292a.18 **Prepayment.**

The mortgage shall contain a provision that the mortgagor shall have the right to prepay the mortgage in whole or in part without any additional charge or penalty on or after the date which is 20 years from the date of the first payment to principal on the mortgage. The mortgage may provide that there shall be no right of prepayment prior to the expiration of such 20 year period.

3. Section 292a.38 is amended to read as follows:

§ 292a.38 **Eligibility of title.**

(a) In order for the mortgaged property to be eligible for insurance, the Commissioner must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the Commissioner and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

(b) No part of the cost of title evidence may be paid out of the mortgage proceeds.

4. Section 292a.39 is amended by adding a new paragraph (e) to read as follows:

§ 292a.39 **Title evidence.**

* * * * *

(e) A guarantee of title by the Secretary of Defense.

5. Section 293a.2 is amended by adding a new paragraph (f) to read as follows:

§ 293a.2 Method of payment.

* * * * * *

(f) Upon agreement between the mortgagor and mortgagee, approved by the Commissioner, premiums due under this section may be paid directly by the mortgagor to the Commissioner. Upon the execution and approval of such agreement, the obligation of the mortgagor to make payments to the mortgagee on account of such mortgage insurance premiums and the obligation of the mortgagee to pay mortgage insurance premiums to the Commissioner shall cease until such time as the agreement is revoked.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 803, 69 Stat. 646; 12 U.S.C. 1748b.)

Issued at Washington, D. C., August 19, 1959.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59-7034; Filed, Aug. 24, 1959; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1949]

[Anchorage 031764]

ALASKA

Withdrawing Lands for Use of Department of the Navy for Military Purposes (Attu, Adak, and Kodiak Islands)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of the Navy for military purposes:

a. Attu Island: That land lying south of Latitude 52°52'00" N. between Longitude 173°04'00" E., and Longitude 173°14'00" E.

The area described contains approximately 11,670 acres.

b. Adak Island: That Part of the island east of the Bay of Island and north of Latitude 51°47'15" N.,

The area described contains approximately 61,000 acres of land.

c. Kodiak Island: Beginning at Corner No. 2 of U.S. Survey No. 2539, U.S. Naval Reserve at Kodiak, thence

East, 11,832.42 feet along boundary of U.S. Survey No. 2539;
N. 34°41' W., 7,907.16 feet;
S. 85°45'15" W., 4,157.22 feet;
N. 89°25'45" W., 5,957.22 feet;
S. 52°28'30" W., 10,567.29 feet;
S. 13°10'30" W., 9,085.74 feet;
S. 6°34' E., 4,371.48 feet;
S. 87°18'35" E., 12,715.45 feet to a point on the west boundary of U.S. Survey No. 2539;
North, 13,973.68 feet along west boundary to the point of beginning.

The area described contains approximately 6,269.7 acres.

d. Middle Bay: That portion of the northwest shore of Middle Bay lying east of the east boundary of U.S. Survey No. 2539, U.S. Naval Reserve.

The area described contains 49.28 acres.

The areas described total in the aggregate 78,988.98 acres.

2. Attu and Adak Islands were reserved by Executive Order No. 1733 of March 3, 1913, as a part of the Aleutian Islands National Wildlife Refuge. The reservation made by this order shall be the dominant reservation except for purposes of wildlife conservation and management, as to which Executive Order No. 1733 of March 3, 1931 shall be the dominant one.

3. The lands are not public lands within the meaning of the act of February 28, 1958 (72 Stat. 27; 43 U.S.C. 155).

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 19, 1959.

[F.R. Doc. 59-7016; Filed, Aug. 24, 1959; 8:45 a.m.]

[Public Land Order 1950]

[1981737]

ALASKA

Revoking Public Land Order No. 324 of August 14, 1946 (Barrow Reserve)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 324 of August 14, 1946, which withdrew public lands in Alaska for classification and proposed designation as native reservations for the inhabitants of the Villages of Barrow and Klukwan, and vicinity, and which was revoked in part by Public Land Order No. 373 of May 26, 1947, is hereby revoked as to the remaining lands described as follows:

Beginning at a point on the Arctic Ocean 30 miles southwest of Point Barrow, air line, approximate latitude 71°05'27" N., approximate longitude 157°10' W., running thence in a southeasterly direction to McTavish Point; thence following along the coast of Dease Inlet, Elson Lagoon, and the Arctic Ocean, including Point Barrow, to the place of beginning, and including the waters adjacent to the above-described area extending 3,000 feet from the shore at mean low tide, all as shown on the Reconnaissance Map of Northwestern Alaska, 1930, prepared by the U.S. Geological Survey in cooperation with the Bureau of Engineering, Department of the Navy, containing approximately 750 square miles of land and approximately 50 square miles of water.

The lands are withdrawn by Executive Order No. 3797-A of February 27, 1923, and Public Land Order No. 82 of January 22, 1943.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 19, 1959.

[F.R. Doc. 59-7017; Filed, Aug. 24, 1959; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 51—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

Allotments for Heart Disease

Notice of proposed rule making and public rule making procedures have been omitted as unnecessary in the issuance of the following amendment to this subpart which relates solely to grants.

Pursuant to section 314(j) of the Public Health Service Act, as amended (58 Stat. 695, 42 U.S.C. 246(j)), these amendments are made after consultation with, and with the agreement of, a conference of the State health authorities.

The purpose of this amendment is to increase from 10 cents to 25 cents the maximum uniform per capita allotment for the first 100,000 population or part thereof of each State.

Effective July 1, 1959:

Paragraph (e) of § 51.3 is amended to read as follows:

(e) *Heart disease.* Of the amount available for allotment for heart disease control programs:

(1) A portion on the basis of a uniform per capita allotment not to exceed 25 cents per capita for the first 100,000 population or part thereof of each State;

(2) The remaining amount on the basis of the remaining population of each State weighted by financial need.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 314, 58 Stat. 693, as amended; 42 U.S.C. 246)

Dated: August 7, 1959.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: August 19, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 59-7027; Filed, Aug. 24, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Basis and purpose. In promulgating its migratory bird regulations for the

1959–60 season in Canada, the Canadian Government reduced export limits on ducks. Formerly in the Provinces of Alberta, British Columbia, Manitoba, and Saskatchewan, a person was permitted to export 25 ducks per season from each province. This year, Canadian regulations permit the exportation by a person of only 20 ducks per season from each of the provinces mentioned. Last year, throughout the rest of Canada a person could export 16 ducks per calendar week from any province or territory. That limit has been reduced this year to 12 ducks per calendar week.

Section 43, Title 18, United States Code makes it unlawful for any one to transport or convey from any foreign country into the United States "* * * any wild animal or bird or the dead body or part thereof, or the egg of any such bird, captured, killed, taken, shipped, transported, or carried contrary to the law of such foreign country or subdivision thereof. * * *"

The present United States migratory bird regulations under § 6.7(a) establish import quotas which are greater than Canadian export limits for ducks and which, in effect, would permit a person returning to the United States from Canada to import ducks in excess of the permissible limits established by Canadian law. This is contrary to section 43, Title 18, United States Code and it is therefore necessary that these regulations be appropriately amended.

Accordingly, § 6.7(a) is amended to read as follows:

(a) The numbers of such birds permitted to be entered and transported by one person, either in a single shipment or by multiple shipments, shall be limited as follows:

From	*Not to exceed*
Province of Alberta, Canada	20 ducks and 10 geese per season.
Province of British Columbia, Canada	Do.
Province of Manitoba, Canada	Do.
Province of Saskatchewan, Canada	Do.
Any other Province or Territory of Canada	12 ducks and 10 geese per calendar week (beginning Sunday).
Mexico or any other foreign country (except Canada) or subdivision thereof.	10 ducks and 5 geese per calendar week.
Any foreign country or subdivision thereof:	
Band-tailed pigeons	6 per calendar week.
Brant	Do.
Coots	25 per calendar week.
Doves, mourning or white-winged	25, singly or in the aggregate of both kinds, per calendar week.
Rails (except sora and coots) and gallinules	30, singly or in the aggregate of both kinds, per calendar week.
Sora	25 per calendar week.
Wilson's snipe	8 per calendar week.
Woodcock	Do.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. Interprets or applies E.O. 10250, 16 F.R. 5335, 3 CFR, 1951 Supp.)

Since waterfowl hunting will commence in Canada in September, and since the foregoing amendment is necessary in order that the United States migratory bird regulations shall conform with the Statutory requirements of the Criminal Code as set forth above, notice of proposed rule making as required under section 4(a) of the Administrative Procedure Act of June 11, 1946, and the 30-day publication as required under section 4(c) of that Act are waived for good cause shown, as previously set forth in this document. Accordingly, this amendment is effective on publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

AUGUST 21, 1959.

[F.R. Doc. 59-7077; Filed, Aug. 21, 1959; 2:05 p.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 48]

MANUFACTURERS EXCISE TAX ON REFRIGERATION EQUIPMENT, ELECTRIC GAS, AND OIL APPLIANCES, AND ELECTRIC LIGHT BULBS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954, as amended (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

The following regulations are hereby prescribed under sections 4111, 4121, and 4131 of the Internal Revenue Code of 1954, as amended, relating to taxes imposed on the sale of refrigeration equipment, electric, gas, and oil appliances, and electric light bulbs, respectively, effective January 1, 1959:

Subpart I—Refrigeration Equipment, Electric, Gas, and Oil Appliances, and Electric Light Bulbs

REFRIGERATION EQUIPMENT

Sec.
48.4111 Statutory provisions; imposition of tax.
48.4111–1 Imposition of tax.
48.4111–2 Definitons.
48.4111–3 Parts or accesories.
48.4111–4 Tax-free sales.
48.4111–5 Effective date.

ELECTRIC, GAS AND OIL APPLIANCES

48.4121 Statutory provisions; imposition of tax.
48.4121–1 Imposition of tax.
48.4121–2 Definitions.
48.4121–3 Parts or accessories.
48.4121–4 Tax-free sales.
48.4121–5 Effective date.

ELECTRIC LIGHT BULES

48.4131 Statutory provisions; imposition of tax.
48.4131–1 Imposition of tax.
48.4131–2 Definitions.
48.4131–3 Tax-free sales.

Subpart I—Refrigeration Equipment, Electric, Gas, and Oil Appliances, and Electric Light Bulbs

REFRIGERATION EQUIPMENT

§ 48.4111 Statutory provisions; imposition of tax.

SEC. 4111. *Imposition of tax.* There is hereby imposed upon the sale of the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof) by the manufacturer, producer, or importer a tax equivalent to the specified percent of the price for which so sold:

ARTICLES TAXABLE AT 5 PERCENT—

Household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline.

Household type units for the quick freezing or frozen storage of foods operated by electricity, gas, kerosene, or gasoline.

Combinations of household type refrigerators and quick-freeze units described above.

ARTICLES TAXABLE AT 10 PERCENT—

Self-contained air-conditioning units.

[Section 4111 as amended and in effect Jan. 1, 1959]

§ 48.4111–1 Imposition of tax.

(a) *In general.* Section 4111 imposes a tax on the sale by the manufacturer, producer, or importer of the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof):

(1) Household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline;

(2) Household type units for the quick freezing or frozen storage of foods operated by electricity, gas, kerosene, or gasoline;

(3) Combinations of household type refrigerators and quick-freeze units described in subparagraphs (1) and (2) of this paragraph; and

(4) Self-contained air-conditioning units.

(b) *Rates and computation of tax.* (1) Tax is imposed on the sale of the articles specified in section 4111 and paragraph (a) of this section at the rates specified below:

	Percent
Household type refrigerators, household type quick-freeze units, and combinations of such refrigerators and quick-freeze units	5
Self-contained air-conditioning units	10

(2) Tax is computed by applying the applicable rate to the price for which the article is sold. For the definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4111 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4111–2 Definitions.

For purposes of the tax imposed by section 4111, unless otherwise expressly indicated:

(a) *Household type refrigerators.* The term "household type refrigerators" includes refrigerators for single or multiple cabinet installations which—

(1) Have an actual, practical, commercial fitness, or are specifically designed and constructed, for household use,

(2) Have, or are primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline, and

(3) Are arranged to provide refrigerated storage space for the preservation of food or low temperature space for making ice cubes or frozen desserts.

(b) *Household type units for the quick freezing or frozen storage of foods.* The term "household type units for the quick freezing or frozen storage of foods", includes units solely for the quick freezing of foods or solely for the storage of frozen foods or combinations thereof which—

(1) Have an actual, practical, commercial fitness, or are specifically designed and constructed, for household use, and

(2) Are operated by electricity, gas, kerosene, or gasoline.

(c) *Self-contained air-conditioning units.* The term "self-contained air-conditioning units" includes a factory-made encased assembly or one sold for assembly on installation which—

(1) Is designed for the direct delivery of conditioned air and for the removal of heat,

(2) Incorporates means for cooling, dehumidifying, and circulating the air of a room or other enclosure, and

(3) Is designed for use as a portable unit, console unit, or for installation in or in front of a window or other opening.

An assembly which meets the conditions in subparagraphs (1), (2), and (3) of this paragraph, and which also includes means for ventilating, heating, or performing other functions, constitutes a "self-contained air-conditioning unit" in its entirety or in part, depending on the facts in each case. However, the term "self-contained air-conditioning units" does not include any unit which requires the use of a water-cooled system for the discharge of removed heat. Likewise, the term does not include units which are primarily designed for use in connection with motor vehicles and which are taxable as automobile parts or accessories under section 4061(b) and the regulations thereunder contained in Subpart H of this part.

(d) *Cross references.* For other relevant definitions, see §§ 48.0–2 and 48.7701.

§ 48.4111–3 Parts or accessories.

The tax attaches in respect of parts or accessories for articles specified in section 4111 and paragraph (a) of § 48.4111–1 sold on or in connection with the sale thereof at the rate applicable to the sale of the basic articles. The tax attaches whether or not the parts or accessories are billed separately. Moreover, if taxable articles are sold by the manufacturer, producer, or importer thereof without parts or accessories which are considered equipment essential for the operation or appearance of such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic article even though they are shipped separately at the same time or on a different date. On the other hand, no tax attaches in respect of parts or accessories for articles specified in section 4111 and paragraph (a) of § 48.4111–1 which are sold otherwise than on or in connection with such articles or with the sale thereof.

§ 48.4111–4 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4111, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

§ 48.4111–5 Effective date.

The provisions of §§ 48.4111–1 through 48.4111–4 are effective as provided in Subpart A of this part except that under the authority of section 7805(b) the provisions of such sections shall not be applicable in respect of sales made by a manufacturer, producer, or importer before the first day of the first calendar month which begins more than 30 days after the date of publication of the regulations in this subpart in the FEDERAL REGISTER of the following articles:

(a) "Household type refrigerators", as defined in paragraph (a) of § 48.4111–2, which have a net storage space exceeding 14 cubic feet;

(b) Combinations of "household type refrigerators" and "household type units for the quick freezing or frozen storage of foods", as defined in paragraphs (a) and (b) of § 48.4111–2, which have a net storage space exceeding 14 cubic feet in the normal temperature refrigerator portion.

(c) "Self-contained air-conditioning units", as defined in paragraph (c) of § 48.4111–2, which have a total motor horsepower of 1 or more horsepower, or, in the case of absorption types, a total cooling capacity of 10,000 or more B.T.U. per hour.

ELECTRIC, GAS, AND OIL APPLIANCES

§ 48.4121 Statutory provisions; imposition of tax.

SEC. 4121. *Imposition of tax.* There is hereby imposed upon the sale by the manufacturer, producer, or importer of the following articles of the household type (including in each case parts or accessories therefor sold on or in connection with the sale thereof), a tax equivalent to 5 percent of the price for which so sold:

Electric, gas, or oil water heaters.
Electric flatirons.
Electric air heaters (not including furnaces).
Electric immersion heaters.
Electric blankets, sheets, and spreads.
Electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises.
Electric mixers, whippers, and juicers.
Electric direct-motor and belt-driven fans and air circulators.
Electric exhaust blowers.
Electric or gas clothes driers.
Electric door chimes.
Electric dehumidifiers.
Electric dishwashers.
Electric food choppers and grinders.
Electric hedge trimmers.
Electric ice cream freezers.
Electric mangles.
Electric pants pressers.
Electric, gas, or oil incinerator units and garbage disposal units.
Power lawn mowers.

[Section 4121 as amended and in effect Jan. 1, 1959]

§ 48.4121–1 Imposition of tax.

(a) *In general.* Section 4121 imposes a tax on the sale by the manufacturer, producer, or importer of the following articles of the household type (including in each case parts or accessories therefor sold on or in connection with the sale thereof):

(1) Electric, gas, or oil water heaters.

(2) Electric flatirons.

(3) Electric air heaters (not including furnaces).

(4) Electric immersion heaters.

(5) Electric blankets, sheets, and spreads.

(6) Electric, gas, or oil appliances of the type used for cooking, warming, or

keeping warm, food or beverages for consumption on the premises.

(7) Electric mixers, whippers, and juicers.

(8) Electric direct-motor and belt-driven fans and air circulators.

(9) Electric exhaust blowers.

(10) Electric or gas clothes driers.

(11) Electric door chimes.

(12) Electric dehumidifiers.

(13) Electric dishwashers.

(14) Electric food choppers and grinders.

(15) Electric hedge trimmers.

(16) Electric ice cream freezers.

(17) Electric mangles.

(18) Electric pants pressers.

(19) Electric, gas, or oil incinerator units and garbage disposal units.

(20) Power lawn mowers.

(b) *Rate and computation of tax.* Tax is imposed on the sale of the articles specified in section 4121 and paragraph (a) of this section at the rate of 5 percent of the price for which the article is sold. For the definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4121 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4121–2 Definitions.

For purposes of the tax imposed by section 4121, unless otherwise expressly indicated:

(a) *Articles of the household type.* The term "articles of the household-type" includes all articles enumerated in section 4121 which have an actual, practical, commercial fitness, or are specifically designed and constructed, for household use.

(b) *Electric air heaters.* The term "Electric air heaters" includes all portable space heaters which are operated by electrical energy, regardless of the means utilized to directly produce heat. Some examples of taxable electrically operated air heaters are filament, filament and fan, radiant surface, hot water, and steam heaters. The term does not include furnaces.

(c) *Appliances used for cooking, etc.* The term "Electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm, food or beverages for consumption on the premises" includes any type of appliance operated by, or for which the heat is generated by, electricity, gas, or oil, which is used to cook, warm, or keep warm, food or beverages for consumption on the premises. The following are some examples of articles subject to tax under this classification: coffee makers, ranges, roasters, toasters, waffle irons, griddles, casseroles, electric frying pans, hot plates, and broilers.

(d) *Electric fans and air circulators.* The term "Electric direct-motor and belt-driven fans and air circulators" includes all types of direct-motor and belt-driven fans and air circulators that provide movement or circulation of air, whether for intake or exhaust, if they are designed and constructed to be operated as independent units.

(e) *Electric exhaust blowers.* The term "Electric exhaust blowers" includes all direct-motor-driven and belt-driven exhaust blowers which are designed and construced to be operated as independent units.

§ 48.4121–3 Parts or accessories.

The tax attaches in respect of parts or accessories for articles specified in section 4121 and paragraph (a) of § 48.4121–1 sold on or in connection with the sale thereof at the rate applicable to the sale of the basic articles. The tax attaches whether or not the parts or accessories are billed separately. Moreover, if taxable electric, gas, or oil appliances are sold by the manufacturer, producer, or importer thereof without parts or accessories which are considered equipment essential for the operation or appearance of such articles, the sale of such parts or accessories will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the basic articles even though they are shipped separately at the same time or on a different date. On the other hand, no tax attaches in respect of parts or accessories for articles specified in section 4121 and paragraph (a) of § 48.4121–1 which are sold otherwise than on or in connection with such articles or with the sale thereof.

§ 48.4121–4 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4121, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

§ 48.4121–5 Effective date.

The provisions of §§ 48.4121–1 through 48.4121–4 are effective as provided in Subpart A except that under the authority of section 7805(b) the provisions of such sections shall not be applicable in respect of sales made by a manufacturer, producer, or importer before the first day of the first calendar month which begins more than 30 days after the date of publication of the regulations in this subpart in the FEDERAL REGISTER of the following articles:

(a) Direct motor-driven desk, bracket, and pedestal type fans and air circulators with blade diameter exceeding 16 inches.

(b) Electric belt-driven fans designed for use as exhaust or intake ventilating fans to be operated as independent units, with blade diameters of 40 or more inches.

ELECTRIC LIGHT BULBS

§ 48.4131 Statutory provisions; imposition of tax.

SEC. 4131. *Imposition of tax.* There is hereby imposed upon the sale by the manufacturer, producer, or importer of electric light bulbs and tubes, not including articles taxable under any other provision of this chapter, a tax equivalent to 10 percent of the price for which so sold.

[Section 4131 as originally enacted and in effect Jan. 1, 1959]

§ 48.4131–1 Imposition of tax.

(a) *In general.* Section 4131 imposes a tax on the sale of electric light bulbs and tubes by the manufacturer, producer, or importer. However, no tax attaches under section 4131 if the light bulbs and tubes are taxable under any other provision of chapter 32 of the 1954 Code as, for example, a light bulb taxable under section 4061(b) as an automobile accessory.

(b) *Rates and computation of tax.* Tax is imposed upon electric light bulbs and tubes at the rate of 10 percent of the price for which the article is sold. For the definition of the term "price", see section 4216 and the regulations thereunder contained in Subpart M of this part.

(c) *Liability for tax.* The tax imposed by section 4131 is payable by the manufacturer, producer, or importer making the sale.

§ 48.4131–2 Definitions.

For purposes of the tax imposed by section 4131, unless otherwise expressly indicated, the term "electric light bulbs and tubes" includes any device designed for the diffusion of artificial light for illuminative or decorative purposes through the use of electricity. The term does not include electric bulbs or tubes which are primarily designed for blueprinting, photoprinting, or other photocopying applications in which the ultraviolet radiation furnished by the bulbs or tubes is essential, nor does it include tubes shaped in the form of words, letters, numbers, or other meaningful symbols which convey a message or portion of a message.

§ 48.4131–3 Tax-free sales.

For provisions relating to tax-free sales of articles referred to in section 4131, see—

(a) Section 4221, relating to certain tax-free sales;

(b) Section 4222, relating to registration; and

(c) Section 4223, relating to special rules relating to further manufacture;

and the regulations thereunder contained in Subpart N of this part.

[F.R. Doc. 59–7038; Filed, Aug. 24, 1959; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Docket Nos. 40, 41, 42; Draft Release Nos. 59–4A, 59–5A, 59–6A]

MAXIMUM AGE LIMITATIONS FOR PILOTS

Extension of Time for Comments

In the notices of proposed rule making on this matter (Draft Releases 59–4, 59–5 and 59–6) published in the FEDERAL REGISTER on June 27, 1959 (24 F.R. 5247, 5248 and 5249), it was stated that consideration would be given to all relevant matter in communications received within sixty days after the publication

of such notices in the FEDERAL REGISTER. Thus, comments are presently due on or before August 28, 1959.

On behalf of the member airlines, the Air Transport Association has requested the Administrator to extend the date for comments for an additional sixty days. This request is based on the significant impact of the proposal upon the airline industry and the consequent need for thorough study before commenting on the proposal. While the potential impact of this proposal on airline operations is realized, it does not appear necessary to grant the full sixty-day extension requested by the Air Transport Association since a total period of three months for the return of comment should be adequate to permit the member airlines to properly evaluate this proposal and prepare detailed comments thereon. Accordingly, the date previously set forth for return of comments will be extended for an additional period of thirty days.

Therefore, pursuant to the authority delegated under § 405.27, I hereby extend the date for comment on Draft Releases 59-4, 59-5 and 59-6 to September 28, 1959. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for the return of comments has expired.

(Secs. 313(a), 601, 602, 604, 72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354, 1421, 1422, 1424)

Issued in Washington, D.C., on August 18, 1959.

JAMES L. GODDARD,
Chief, Office of the Civil Air Surgeon.

[F.R. Doc. 59-7010; Filed, Aug. 24, 1959; 8:45 a.m.]

[14 CFR Parts 40, 41, 42]

[Reg. Docket No. 39, Draft Release No. 59-3A]

APPROVAL OF TRAINING PROGRAMS AND CERTIFICATION AND QUALIFICATION STANDARDS OF PILOTS OTHER THAN PILOTS IN COMMAND

Extension of Time for Comments

In the notice of proposed rule making on this matter (Draft Release 59-3) published in the FEDERAL REGISTER on June 27, 1959 (24 F.R. 5346), by the Federal Aviation Agency, it was stated that in order to insure consideration comments should be received by the Agency not later than August 31, 1959. The Air Transport Association of America, acting on behalf of the scheduled air carriers, has requested the Administrator to extend the date for comment by 60 days. This request was predicated upon the need for additional time to develop a complete and careful evaluation of the impact which the proposed amendments would have on the industry if adopted.

The draft release proposes revisions to Parts 40, 41, and 42 of the Civil Air Regulations with respect to approval of training programs, and certification and qualification standards of pilots other than pilots in command. The proposed amendments are designed to insure that air carrier aircraft are flown by pilots who are thoroughly trained and appropriately rated for the aircraft. Consequently it is important that this proposal be given expeditious handling. The deadline date of August 31, 1959, appeared to give ample time for submission of comments. However, in view of the reason advanced by the scheduled air carriers, an additional 20 days will be given in this case for the submission of comments.

In consideration of the foregoing, notice is hereby given that the time within which comments will be received is extended to September 21, 1959. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room E-316, 1711 New York Avenue NW., Washington 25, D.C. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

(Section 313(a), 601, 602, 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1422, 1424))

Issued in Washington, D.C., on August 18, 1959.

E. R. QUESADA,
Administrator.

AUGUST 18, 1959.

[F.R. Doc. 59-7011; Filed, Aug. 24, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket 59-WA-110]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6443 and 601.6443 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 443 presently extends from Glen Dale, W. Va., to Cleveland, Ohio. The Federal Aviation Agency has under consideration the modification of the Tiverton, Ohio, to Cleveland, Ohio, segment of Victor 443 by designating an east alternate from the Tiverton VOR via the point of intersection of the Tiverton VOR 017° with the Cleveland VOR 138° radials; to the Cleveland VOR. This modification of Victor 443 will establish an additional route for aircraft departing the Cleveland, Ohio, terminal area destined for southern terminals.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend §§ 600.6443 and 601.6443 (24 F.R. 1285, 1287) to read as follows:

§ 600.6443 VOR Federal airway No. 443 (Glen Dale, W. Va., to Cleveland, Ohio).

From the point of INT of the Pittsburgh, Pa., VOR 244° and the Zanesville, Ohio, VOR 088° radials via the Newcomerstown, Ohio, VOR; Tiverton, Ohio, VOR; to the Cleveland, Ohio, VOR, including an east alternate via the point of INT of the Tiverton VOR 017° with the Cleveland VOR 138° radials.

§ 601.6443 VOR Federal airway No. 443 control areas (Glen Dale, W. Va., to Cleveland, Ohio).

All of VOR Federal airway No. 443, including an east alternate.

Issued in Washington, D.C., on August 19, 1959.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-7012; Filed, Aug. 24, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13083]

MICROWAVE FREQUENCIES FOR PRIVATE COMMUNICATIONS SYSTEMS, EXCLUDING BROADCASTERS

Technical Standards Governing the Grant of Applications for the Use

There being under consideration a request filed August 13, 1959, by Electronic Industries Association (EIA), on behalf of its Microwave Section of the Industrial Electronics Division, for an extension of

time until September 24, 1959, in which to file comments in the above-captioned proceedings;

It appearing that the EIA states that such additional time is necessary for it to study the proposed standards thoroughly in order that it may file meaningful and useful comments concerning such proposal;

It further appearing that the Commission desires to have comments on such rule-making proposal in their most complete and useful form;

It further appearing that the request appears to be reasonable and would aid the Commission in reaching its determination in this matter, and that an extension of time is considered necessary and would be in the public interest;

It is ordered, This 19th day of August 1959, pursuant to the provisions of section 0.291(b)(4) of the Commission's Statement of Delegations of Authority, that the above-described request for extension of time is granted, and that the time in which to file comments in this proceeding is extended to September 24, 1959, with an additional ten days in which comments in reply thereto may be filed.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7044; Filed, Aug. 24, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

PORTLAND CEMENT FROM ISRAEL

Purchase Price; Foreign Market Value

AUGUST 19, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of Portland cement from Israel is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of Portland cement from Israel pursuant to section 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59-7037; Filed, Aug. 24, 1959; 8:49 a.m.]

Office of the Secretary

[AA 643.3]

SWISS OR EMMENTHAL CHEESE FROM FINLAND

Determination of No Sales at Less Than Fair Value

AUGUST 19, 1959.

A complaint was received that Swiss or emmenthal cheese from Finland was being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that Swiss or emmenthal cheese from Finland is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. First quality Swiss cheese has been imported from Finland at a price which has not varied during the past several years. This quality is not considered competitive with the United States product. Toward the end of 1958, an inexpensive cheese began to enter the United States from Finland in substantial quantities. The complaint arose subsequent to these importations and appeared to be directed thereto.

It was determined that inexpensive Swiss cheese is not sold in the Finnish home market, but is sold to third countries. The information available indicated that the purchase price was not less than the price to third countries.

There have been no importations of inexpensive Swiss cheese from Finland since March 1959, and information received indicates that there is no likelihood of further imports of such cheese.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-7040; Filed, Aug. 24, 1959; 8:49 a.m.]

[AA 643.3]

PETROLEUM PRODUCTS FROM RUMANIA

Determination of No Sales at Less Than Fair Value

AUGUST 17, 1959.

A complaint was received that petroleum products from Rumania were being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that petroleum products from Rumania are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Investigation showed that the importations in question consisted of one shipment of residual fuel oil and one shipment of coke oven crude tar. There have been no further importations, and it appears that each shipment was a one-time operation.

No information was developed during the course of the investigation which would indicate that these petroleum products from Rumania were being sold at less than fair value.

Customs officers have been instructed to report all future shipments of petroleum products from Rumania to the Bureau of Customs for consideration and appropriate action.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-7041; Filed, Aug. 24, 1959; 8:49 a.m.]

[Dept. Circ. 570, 1959 Rev. Supp. 3]

SUPERIOR RISK INSURANCE CO.

Surety Company Acceptable on Federal Bonds

AUGUST 20, 1959.

Effective June 12, 1959, Ohio Farmers Indemnity Company, a Ohio corporation, formally changed its name to Superior Risk Insurance Company. A certified copy of Certificate of Amendment to Articles of Incorporation changing the name of Ohio Farmers Indemnity Company to Superior Risk Insurance Company, which was approved by the Attorney General of the State of Ohio and filed in the office of the Secretary of State of the State of Ohio on June 12, 1959, has been received and filed in the Treasury.

The change in name of Ohio Farmers Indemnity Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the Act of Congress approved July 30, 1947 (6 U.S.C. secs. 6–13), to qualify as sole surety on such obligations.

The name of the company will appear as Superior Risk Insurance Company in the next annual revision of this circular (Treasury Department Circular No. 570) which lists the companies authorized to

act as acceptable sureties on bonds in favor of the United States.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 59-7039; Filed, Aug. 24, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALCOA STEAMSHIP CO., INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8398, between Alcoa Steamship Company, Inc., and Lamport & Holt Line. Ltd., covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to Puerto Rico, with transshipment at New Orleans or Mobile;

(2) Agreement No. 8399, between Alcoa Steamship Company, Inc., and Lamport & Holt Line, Ltd., covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to the Virgin Islands, with transshipment at New York or Baltimore;

(3) Agreement No. 8401, between Alcoa Steamship Company, Inc., and Lamport & Holt Line, Ltd., covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to the Virgin Islands, with transshipment at New Orleans or Mobile;

(4) Agreement No. 8402, between Alcoa Steamship Company, Inc., and Booth Steamship Company, Ltd., covers a through billing arrangement in the trade from Brazil and Peru to Puerto Rico, with transshipment at New Orleans or Mobile;

(5) Agreement No. 8403, between Alcoa Steamship Company, Inc., and Booth Steamship Company, Ltd., covers a through billing arrangement in the trade from Brazil and Peru to the Virgin Islands, with transshipment at New York or Baltimore;

(6) Agreement No. 8404, between Alcoa Steamship Company, Inc., and Booth Steamship Company, Ltd., covers a through billing arrangement in the trade from Brazil and Peru to the Virgin Islands, with transshipment at New Orleans or Mobile; and

(7) Agreement No. 8391, between Lykes Bros. Steamship Co., Inc., and Compagnie des Messageries Maritime, covers a through billing arrangement in the trade from U.S. Gulf ports to certain designated Madagascar Base Ports, Madagascar Outports, and Comores Islands ports, with transshipment at Dar es Salaam and Mombasa in British East Africa.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 20, 1959.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 59-7035; Filed, Aug. 24, 1959; 8:48 a.m.]

POST OFFICE DEPARTMENT

REMISSION OF FINES, PENALTIES, FORFEITURES, AND CLAIMS

Delegation of Authority

The following is the text of an Order of the Assistant Postmaster General, Bureau of Finance, dated July 31, 1959:

Pursuant to authority of Postmaster General Order No. 56925, dated July 27, 1959 (24 F.R. 6584) authority is hereby redelegated to the Finance Officer, Bureau of Finance, to take final action in his own name with respect to all matters converted by 5 U. S. Code, 383, 384, and U.S. Code 82a-1, 82a-2, 82c.

(R.S. 161, as amended, 396 as amended, sec. 1(b), 63 Stat. 1066; 5 U.S.C. 22, 133z-15, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-7031; Filed, Aug. 24, 1959; 8:48 a.m.]

NEW NAMES OF COUNTRIES

A number of former French possessions in Africa are now known by new names in consequence of their changed political status. A list of the countries concerned is given below, showing their new names and the names by which they are now designated in Chapter I of Title 39, Code of Federal Regulations. Pending the issuance of amendments, post offices will accept and dispatch mail addressed to the new country names in accordance with the existing regulations.

New Names	*Former Names*
Central African Republic.	Oubangi Chari (French Equatorial Africa).
Chad (Republic of)	Tchad (French Equatorial Africa).
Comoro Islands	Comoro Islands (Madagascar).
Congo (Republic of)	Moyen (Middle) Congo (French Equatorial Africa).
Gabon Republic	Gabon (French Equatorial Africa).
Malgache Republic	Madagascar.
Soudanese Republic	French Soudan.
Volta Republic	Upper Volta.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-7030; Filed, Aug. 24, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-342]

ACCIDENT OCCURRING AT CALVERTON, LONG ISLAND, N.Y.

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 7514A, which occurred at Calverton, Long Island, New York, August 15, 1959.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, particularly Title VII of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, August 27, 1959, at 9:30 a.m. (local time) at the Ballroom, Henry Perkins Hotel, Riverhead, Long Island, New York.

Dated at Washington, D.C., August 19, 1959.

[SEAL] CLAUDE SCHONBERGER,
Hearing Officer.

[F.R. Doc. 59-7042; Filed, Aug. 24, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12837 etc.; FCC 59-872]

BIRNEY IMES, JR., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Birney Imes, Jr., West Memphis, Arkansas, requests 730 kc, 250 w, Day, Docket No. 12837, File No. BP-11465; Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company (KTRY), Bastrop, Louisiana, has 730 kc, 250 w, Day, requests 730 kc, 500 w, Day, Docket No. 12838, File No. BP-11924; Newport Broadcasting Company, West Memphis, Arkansas, requests 730 kc, 250 w, Day, Docket No. 12839, File No. BP-12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, requests 730 kc, 250 w, Day, Docket No. 12840, File No. BP-12405; Garrett Broadcasting Corporation, West Memphis, Arkansas, requests 730 kc, 5 kw, DA-D, Docket No. 13057, File No. BP-12987; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of August 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that by Order (FCC 59-822) adopted on July 29, 1959, the Commission consolidated the instant applications for hearing but that Issue 7 in said Order should have provided for a consideration of the proposed operation of the Garrett Broadcasting Corporation, in addition to the other proposals herein for West Memphis, Arkansas, under the standard comparative issue; and that said Order should be amended to read as follows:

It appearing that by Order adopted April 15, 1959, and released on April 20, 1959, the Commission designated for hearing in a consolidated proceeding, the above-captioned applications of Birney Imes, Jr., Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company, Newport Broadcasting Company and Crittenden County Broadcasting Company, that the application of Garrett Broadcasting Corporation was tendered for filing on April 8, 1959 and is, therefore, entitled to be consolidated in said hearing, pursuant to § 1.106 of the Commission rules; and

It further appearing that except as indicated by the issues specified below, Birney Imes, Jr., Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company, Newport Broadcasting Company, Crittenden County Broadcasting Company and Garrett Broadcasting Corporation are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 16, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that Garrett Broadcasting Corporation filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application of Garrett Broadcasting Corporation, is consolidated for hearing in the proceeding in Docket Nos. 12837, 12838, 12839 and 12840 at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of Birney Imes, Jr., Newport Broadcasting Company, Crittenden County Broadcasting Company, and Garrett Broadcasting Corporation and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTRY as proposed and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the operations proposed in the above-entitled applications would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operations of Birney Imes, Jr., Newport Broadcasting Company and Crittenden County Broadcasting Company would cause objectionable interference to the existing operation of Station KTRY, Bastrop, Louisiana, or any other existing standard broadcast station, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

5. To determine whether the proposed operation of Station KTRY would cause objectionable interference to Station WARB, Covington, Louisiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, and the availability of other primary service to such areas and populations.

6. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposed operation of KTRY, Bastrop, Louisiana or one of the proposals for West Memphis, Arkansas would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event that it is concluded pursuant to the foregoing issue that one of the proposals for West Memphis, Arkansas should be favored, which of the proposals of Birney Imes, Jr., Newport Broadcasting Company, Crittenden County Broadcasting Company or Garrett Broadcasting Corporation would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the four as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

b. The proposal of each with respect to the management and operation of the proposed station.

c. The programming services proposed in each of the said applications.

8. To determine which, if any, of the instant applications should be granted.

It is further ordered, That the above issues shall supersede the issues in the Commission's order of April 15, 1959, designating for hearing the first four above-captioned applications.

It is further ordered, That, to avail itself of the opportunity to be heard, the Garrett Broadcasting Corporation herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order; and

It is further ordered, That if the proposal of Garrett Broadcasting Corporation is favored, it will be held in hearing status without final action until ratification and entry into force of the U.S./Mexican Agreement, 1957 (Public Notice 46545, June 18, 1957), and, in the event that the reasons for designating said application for hearing are removed before the hearing proceeding is concluded, the application will be removed from hearing status and held without further action pending ratification and entry into force of the U.S./Mexican Agreement, 1957.

It is further ordered, That the Commission's above-mentioned Order (FCC 59-822) of July 29, 1959, is amended as set forth above.

Released: August 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7045; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket Nos. 13171, 13172; FCC 59-871]

HOWELL B. PHILLIPS AND WMCV, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Howell B. Phillips, Williamsburg, Kentucky, requests 1370 kc, 1 kw, DA, Day, Docket No. 13172, File No. BP-11832; WMCV, Inc., Tompkinsville, Kentucky, requests 1370 kc, 1 kw, Day, Docket No. 13171, File No. BP-12825; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of August 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that except as indicated by the issues specified below, WMCV, Inc., is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that except as indicated by the issues specified below, Howell B. Phillips is legally, technically, and otherwise qualified to construct and operate his instant proposal but that he may not be financially qualified; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 30, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the

aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the interference received by either proposal from the other proposal herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of either of the instant proposals in controvention of § 3.28(c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether Howell B. Phillips is financially qualified to construct and operate his proposed station.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7046; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket No. 13154]

HARMS AND ROGOWAY RADIO AND TV

Order to Show Cause

In the matter of Wesley Harms and Donald Rogoway, db/as Harms and Rogoway Radio and TV, Third and Adams, Gorvallis, Oregon, Docket No. 13154; order to show cause why there should not be revoked the license for Low Power Industrial Radio Station KD-3211.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated March 11, 1959, calling attention to violations (observed March 10, 1959) of the following Commission rules:

Section 11.109(b): Equipment in use did not meet the terms of the station license and Commission standards as set forth in "List of Equipment Acceptable for Licensing."

Section 11.106(c): Power input to final RF stages exceeded that authorized by station license.

Section 11.108(c) (2) and 11.104(b) (2): No record that frequency deviation had been reduced to meet Commission requirements.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 10, 1959, and sent by Certified Mail—Return Receipt Requested (No. 97297), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Doris Rogoway on June 15, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 18th day of August, 1959, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 19, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7048; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket Nos. 13089-13147; FCC 59M-1059]

TIFFIN BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of William E. Benns, Jr., & Barbara Benns d/b as Tiffin Broadcasting Company, Tiffin, Ohio, et al., Docket No. 13089, File No. BP-11392; Docket Nos. 13090, 13091, 13092 13093,

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13113, 13114, 13115, 13116, 13117, 13118, 13119, 13120, 13121, 13122, 13123, 13124, 13125, 13126, 13127, 13128, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147; for construction permits.

It is ordered, This 17th day of August 1959, that, pursuant to § 1.111 of the Commission's rules, a prehearing conference in the above-entitled matter will commence at 10:00 a.m., October 5, 1959, in the Commission's offices at Washington, D.C.

Released: August 18, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7047; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket No. 11866]

ALLOCATIONS OF FREQUENCIES IN BANDS ABOVE 890 MC.

Miscellaneous Amendments

The Commission's Report and Order of July 29, 1959 (FCC 59-843, Mimeo No. 76357), in the above-entitled matter, released August 6, 1959, and published in the FEDERAL REGISTER August 11, 1959, is corrected in the following particulars:

1. Change the column entitled "Number of Stations" under the heading "Practical Antenna Size" in the table in paragraph 57 to read as follows:

Number of Stations
232
70
40
120
280
742

2. Correct the citation appearing in footnote 5 of Paragraph 87 to read:

346 U.S. 86, 91 (1953)

3. Add the following text under *Issue No. 18* immediately preceding Paragraph 124:

"Should there be any restrictions on the use of frequencies above 30,000 Mc?"

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7049; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket Nos. 12952, 12953; FCC 59M-1065]

WBUD, INC., AND CONCERT NETWORK, INC.

Order Scheduling Prehearing Conference

In re applications of WBUD, Inc., Trenton, New Jersey, Docket No. 12952, File No. BPH-2600; Concert Network, Inc., Trenton, New Jersey, Docket No. 12953, File No. BPH-2619; for construction permits for new FM broadcast stations.

It is ordered, This 18th day of August 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules at 10:00 o'clock a.m., September 23, 1959, in the Commission's offices, Washington, D.C.

Released: August 19, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7050; Filed, Aug. 24, 1959; 8:50 a.m.]

[Docket No. 12309; FCC 59M-1068]

VIDEO INDEPENDENT THEATRES, INC., (KVIT)

Order Reopening Record

In re application of Video Independent Theatres, Inc. (KVIT), Santa Fe, New Mexico, Docket No. 12309, File No. BMPCT-4586; for modification of construction permit.

It is ordered, This 19th day of August 1959, that:

1. The record is reopened to take evidence on Issue No. 8, added by the Commission's Memorandum Opinion and Order released August 4, 1959; and

2. The outstanding order, released June 30, 1959, regarding the filing of proposed findings of fact and conclusions, and any ruling directing or permitting them to be filed, are canceled.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7052; Filed, Aug. 24, 1959; 8:51 a.m.]

[Docket No. 12949; FCC 59M-1066]

SOUTH MINNEAPOLIS BROADCASTERS

Order Setting Prehearing Conference

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis Broadcasters, Bloomington, Minnesota, Docket No. 12949, File No. BP-11632; for construction permit for a new standard broadcast station.

It is ordered, This 19th day of August 1959, that all parties or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10 o'clock a.m., September 18, 1959, for the purpose of considering the following:

(1) The necessity or desirability of simplification, clarification, amplification, or limitation of the issues;

(2) The possibility of stipulating with respect to facts;

(3) The procedure at the hearing;

(4) The limitation of the number of witnesses;

(5) Such other matters as will be conducive to an expeditious conduct of the hearing.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7053; Filed, Aug. 24, 1959; 8:51 a.m.]

[Docket No. 12915; FCC 59M-1067]

BOOTH BROADCASTING CO. (WSGW)

Order Setting Prehearing Conference

In re application of Booth Broadcasting Company (WSGW), Saginaw, Michigan, Docket No. 12915, File No. BP-11873; for construction permit for standard broadcast station.

It is ordered, This 19th day of August 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10 o'clock a.m., September 8, 1959.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7051; Filed, Aug. 24, 1959; 8:51 a.m.]

[Docket Nos. 12895, 12896; FCC 59M-1069]

BUCKLEY-JAEGER BROADCASTING CORP. AND WHDH, INC.

Memorandum Opinion and Order Continuing Hearing

In re applications of Buckley-Jaeger Broadcasting Corporation, Providence, Rhode Island, Docket No. 12895, File No. BPH-2552; WHDH, Inc., Boston, Massachusetts, Docket No. 12896, File No. BPH-2575; for construction permits for FM broadcast stations.

1. The applicants in this proceeding, Buckley-Jaeger Broadcasting Corporation and WHDH, Inc., filed on August 18, 1959, a "Motion for Continuance of Hearing" in this proceeding. At a prehearing conference held on July 15, 1959 certain preliminary, procedural steps designed to cover the hearing now scheduled for September 3, 1959 were established, to wit:

(1) August 19, 1959—Informal exchange of exhibits.

(2) August 28, 1959—Formal exchange of exhibits which constitute the direct cases of the applicants.

(3) August 31, 1959—Notice by the parties of witnesses desired for hearing.

On the same date the parties filed a "Joint Petition to Reconsider Designation of Applications for Hearing and to Forthwith Grant Same". It is pleaded that, if the Commission acts favorably upon this joint petition, a hearing on the instant applications would not be necessary and they further plead that the joint petition is well-grounded and should be granted in the public interest. Request is made in their motion for continuance that the hearing and dates for accomplishing the related procedural steps be continued until the Commission has acted upon their joint petition.

2. Counsel for the Broadcast Bureau has consented to a continuance of the hearing herein and consents to a waiver of § 1.43 of the Commission's rules to permit immediate consideration of the matter.

3. Good cause exists why said "Motion For Continuance of Hearing" should be granted.

Accordingly it is ordered, This 19th day of August 1959, that the "Motion For Continuance of Hearing" filed herein on behalf of the applicants in this proceeding is granted and the hearing now scheduled for September 3, 1959 and the dates for accomplishing the related procedural steps be, and the same are hereby, continued without date.

Released: August 20, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7054; Filed, Aug. 24, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-14329 etc.]

COASTAL STATES GAS PRODUCING CO. ET AL.

Notice of Applications and Date of Hearing

AUGUST 17, 1959.

In the matters of Coastal States Gas Producing Company, Operator, and Southern Coast Corporation,[1] Docket Nos. G-14329 and G-14366; W. H. Appell, Operator, et al.,[2] Docket No. G-14467; May Oil Company, Operator, et al.,[3] Docket No. G-14468; J. D. Hedley, Operator, et al.,[4] Docket No. G-14469; Fitzpatrick Drilling Company, Operator, et al.,[5] Docket No. G-14470; Slade, Inc., et al. (formerly Slade Oil and Gas, Inc.),[6] Docket No. G-14471; Arnold Well Service, Inc., Operator, et al.,[7] Docket No. G-14473; W. B. Cleary, Inc., Operator, et al.,[8] Docket No. G-14479; Lenore M. Bailey, et al.,[9] Docket No. G-14480; Katz Oil Company, Operator, et al.,[10] Docket No. G-14767; Tiger Minerals, Inc., Operator, et al.,[11] Docket No. G-14768; Katz Oil Company, Operator, et al.,[12] Docket No. G-14769; Jay Simmons, et al.,[13] Docket No. G-14770; Jay Simmons, et al.,[14] Docket No. G-14772; Sheridan C. Lewis, Jr., Trustee,[15] Docket No. G-14773; Tiger Minerals, Inc., Operator, et al.,[16] Docket No. G-14774; Katz Oil Company, Operator, et al.,[17] Docket No. G-14775; Katz Oil Company, Operator, et al.,[18] Docket No. G-14776; Bridwell Oil Company, Docket No. G-14921; The Atlantic Refining Company, Docket No. G-14945; Texo Oil Corporation, Docket No. G-14983; Tex-Star Oil and Gas Corporation, Operator, et al.,[19] Docket No. G-16825; Tex-Star Oil and Gas Corporation, Operator, et al.,[20] Docket No. G-16826; Tex-Star Oil & Gas Corporation, Operator, et al.,[21] Docket No. G-16827; Tex-Star Oil & Gas Corporation, Operator,[22] Docket No. G-16828; Tex-Star Oil & Gas Corporation, Operator,[23] Docket No. G-16829; Tex-Star Oil & Gas Corporation, Operator,[24] Docket No. G-16830; Tex-Star Oil & Gas Corporation, Operator,[25] Docket No. G-16831; Tex-Star Oil & Gas Corporation, Operator,[26] Docket No. G-16832; J. C. Barnes, Docket No. G-16834; Coastal States Gas Producing Company,[27] Docket No. G-16838; B. L. Woolley, et al.,[28] Docket No. G-16910; Wynn D. Miller, et al.,[29] Docket No. G-17120; Lawrence G. Shelly, Operator, et al.,[30] Docket No. G-17211; Ralph Rowden, Docket No. G-17233; Tex-Star Oil & Gas Corporation, Operator,[31] Docket No. G-17491; Tex-Star Oil & Gas Corporation, Operator, et al.,[32] Docket No. G-17495.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, and Purchaser

G-14329; Saxet and Baldwin Fields, Nueces County, Texas; East White Point Field, San Patricio County, Texas; and Beeville and Poesta Creek Fields, Bee County, Texas; Trunkline Gas Company.

G-14366; Moos Ranch Field, Webb County, Texas; Charamousca, Neely and Tiger Minerals Fields, Duval County, Texas; Maguellitos and Henry-West Adami Fields, Webb and LaSalle Counties, Texas; Texas Illinois Natural Gas Pipeline Company.

G-14467; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14468; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14469; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14470; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14471; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14478; Beeville Field, Bee County, Texas; Southern Coast Corporation.

G-14479; Beeville Field, Bee County, Texas; Southern Coast Corporation.

G-14480; Beeville Field, Bee County, Texas; Southern Coast Corporation.

G-14767; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-14768; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-14769; Harry Field, Webb County, Texas; Southern Coast Corporation.

G-14770; Harry Field, Webb and LaSalle Counties, Texas; Southern Coast Corporation.

G-14771; Harry Field, Webb County, Texas; Southern Coast Corporation.

G-14772; West Charamousca Field, Duval County, Texas; Southern Coast Corporation.

G-14773; West Adami Field, Webb County, Texas; Southern Coast Corporation.

G-14774; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-14775; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-14776; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-14921; Beeville Field, Bee County, Texas; Southern Coast Corporation.

G-14945; Poesta Creek Field, Bee County, Texas; Southern Coast Corporation.

G-14983; Tiger Field, Duval County, Texas; Southern Coast Corporation.

G-16825; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16826; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16827; Appling Field, Jackson County, Texas; Coastal States Gas Producing Company.

G-16828; Appling Field, Jackson County, Texas; Coastal States Gas Producing Company.

G-16829; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16830; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16831; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16832; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16834; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-16838; Texana and Appling Fields, Calhoun and Jackson Counties, Texas; United Gas Pipe Line Company.

G-16910; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-17120; Papalote Field, Bee County, Texas; Coastal States Gas Producing Company and Southern Coast Corporation.

G-17211; South Heard Field, Bee County, Texas; Coastal States Gas Producing Company and Southern Coast Corporation.

G-17233; Neely Field, Duval County, Texas; Coastal States Gas Producing Company and Southern Coast Corporation.

G-17491; Appling Field, Calhoun County, Texas; Coastal States Gas Producing Company.

G-17495; Texana Field, Calhoun County, Texas; Coastal States Gas Producing Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 30, 1959 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the

See footnotes at end of document.

issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[1] Coastal States Gas Producing Company (Operator) and Southern Coast Corporation (nonoperator) in Docket No. G-14329 proposes to sell to Trunkline Gas Company natural gas to be produced and purchased by them from certain acreages pursuant to a basic gas sales contract dated January 20, 1958 and amendatory agreements thereto dated July 29, 1958 (dedicates additional volumes), September 4, September 23, November 28, December 2 and December 9, 1958 (dedicate additional acreages) and December 29, 1958 (Letter of Intent to dedicate additional acreages). Both Coastal and Southern are signatory seller parties to the basic contract, however, only Coastal, as seller, has signed the aforesaid amendatory agreements. Applicants will produce a portion of the subject gas; the remaining portion will be purchased by Applicants from sixteen producers. Amendments to application filed April 17, April 22, October 14, November 21, December 3 and December 29, 1958 and February 19, 1959 request inclusion of acreages or volumes involved in the above-mentioned amendatory agreements; amendments to application filed January 5 and January 8, 1958 request inclusion of acreage covered by prior filing. Coastal States Gas Producing Company (Operator) and Southern Coast Corporation (nonoperator) in Docket No. G-14366 proposes to sell to Texas Illinois Natural Gas Pipeline Company natural gas to be produced and purchased by them from certain acreages pursuant to a basic gas sales contract dated November 15, 1957 and amendatory agreements thereto dated March 31, 1958 (deletes certain acreage) and September 23, 1958 (adds additional acreage). Both Coastal and Southern are signatory seller parties to the basic contract and amendatory agreement dated March 31, 1958, however, only Coastal, as seller, has signed the amendatory agreement dated September 23, 1958. Applicants will produce a portion of the subject gas. Amendments to application filed April 17, 1958 and January 7, 1959 request deletion and inclusion of certain acreages pursuant to the amendatory agreements dated March 31, 1958 and September 23, 1958, respectively. Basic contract dated November 15, 1957 is subject to a prior contract dated March 19, 1956, between Applicants and Tennessee Gas Transmission Company.

[2] W. H. Appell, Operator, is filing for himself and on behalf of the following nonoperators: Orrin W. Johnson and Lydia C. Johnson, Individually and as Co-Executors of the Estate of Elmer G. Johnson, Deceased, R. E. Smith, Sam Countiss, J. D. Hedley, Malcolm G. Chase, Jr., Somerset Land and Cattle Company, R. Carter Nicholas, J. M. Hancock and Marion W. Young. All are signatory seller parties to the subject gas sales contract.

[3] May Oil Company, a co-partnership consisting of Fred Bowman, Morris Liedeker and P. W. Alford, Operator, is filing for itself and on behalf of the following nonoperators: Fred E. Bowman, S. H. Howell, Gust Tsesmelis, P. S. Joseph and Morris Liedeker. All are signatory seller parties to the subject gas sales contract.

[4] J. D. Hedley, Operator, is filing for himself and on behalf of the following nonoperators: R. Carter Nicholas, Malcolm G. Chase, Jr., and Somerset Land and Cattle Company. All are signatory seller parties to the subject gas sales contract.

[5] Fitzpatrick Drilling Company, Operator, is filing for itself and on behalf of the following nonoperators: Henshaw Brothers, a co-partnership composed of Walter A. Henshaw and Paul A. Henshaw, Artnell Company, K. D. Harrison, Jake L. Hamon, Cleo Ray, et ux., W. S. Fitzpatrick, M. E. Tonroy, S. B. Filbert, R. N. Spencer, E. W. Harding, D. R. Roberts, A. C. Allyn and Walter E. Kistner. All are signatory seller parties to the subject gas sales contract.

[6] Slade, Inc. (formerly Slade Oil and Gas, Inc.), nonoperator, is filing for itself and on behalf of the following nonoperators: E. W. Brown, Jr., Vivian Leatherberry Smith, Trustee, B. L. Morris, L. Slade Brown, John S. Brown and Charles Brown. All are signatory seller parties to the subject gas sales contract. Universal Petroleum Corporation, Operator, owns no working interest in subject acreage. Amendment filed states that on February 27, 1959, Slade Oil and Gas, Inc., changed its name to Slade, Inc., and requests that the new name of Slade, Inc., be substituted for Slade Oil and Gas, Inc., in the subject application.

[7] Arnold Well Service, Inc., Operator, is filing for itself and on behalf of the following nonoperators: Forrest W. Runnels, Lentex Oil Corporation, Mrs. Louise Countiss, Trustee, Sam Countiss, H. D. Countiss, C. W. Clift, Jr., F. H. Coons, Orrin W. Johnson, J. Shannon Jackson, Thomas D. Schall, Alexander F. Sceresse and Joseph B. Zucht. All are signatory seller parties to the subject gas sales contract.

[8] W. B. Cleary, Inc., Operator, is filing for itself and on behalf of the following nonoperators: James H. Helland, Arthur G. Altschul, Mrs. Lora C. Tway, Jack Tway, Louis Starr, United Northern Corporation and M. Troy Jones. All are signatory seller parties to the subject gas sales contract.

[9] Lenore M. Bailey, nonoperator, is filing for herself and on behalf of the following nonoperators: J. W. Bailey, George B. Barnes, Charles S. Clark, Dan H. Clark, Mrs. Gladys F. DeShong, George Gaines, Dean Gano, L. M. Garrett, Joe Hall, Maurice Roberson, T. P. Heard, I. B. Langford, H. T. Morton, H. J. Ledman, Charles H. Poulton, Nat Selinger, Trustee, C. B. Slabaugh, A. C. Skinner, A. N. Striegler, Clarence Tillman, R. G. Swearingen, Ted M. Anderson, E. C. Laquey and Oriental Laundry, Inc. All are listed as seller parties to the subject gas sales contract and, with the exception of Maurice Roberson, all have signed said contract. Amendment filed requests substitution of Lenore M. Bailey, et al., as Applicants, replacing Coastal States Gas Producing Company, Operator, which company acts jointly with Southern Coast Corporation, Purchaser.

[10] Katz Oil Company, Operator, is filing for itself and on behalf of the following nonoperators: George H. Coates, John E. Long, Nat Goldsmith, Irving I. Mayer, Joe R. Straus and Mrs. D. J. Straus. All are signatory seller parties to the subject gas sales contract.

[11] Tiger Minerals, Inc., Operator, is filing for itself and on behalf of the following nonoperators: Warren B. Pinney, Jr., Frederick L. Anderson, Elizabeth T. Anderson, Carl Holmes, Jay Holmes, Nancy Holmes, Mason Letteau, E. J. Pearl, Isidor Sack, Waterford Oil Company and Laurence Callahan. All are signatory seller parties to the subject gas sales contract.

[12] Katz Oil Company, Operator, is filing for itself and on behalf of Ralph Rowden, nonoperator. Both are signatory seller parties to the subject gas sales contract.

[13] Jay Simmons, nonoperator, is filing for himself and on behalf of Vivian C. Murray, nonoperator. Jay Simmons is a signatory seller party to a basic gas sales contract dated March 21, 1956. The interest of Vivian C. Murray was acquired through assignment from Harry E. Murray by instrument dated February 1, 1957. Amendment filed is request to substitute Jay Simmons, *et al.*, as Applicants replacing Southern Coast Corporation, Operator, *et al.*, which corporation is also the purchaser.

[14] Jay Simmons, nonoperator, is filing for himself and on behalf of the nonoperator, Ralph Rowden. Jay Simmons acquired his interests and became a signatory seller party to the subject basic gas sales contract dated March 8, 1956 through two instruments of assignment dated September 21, 1956 and November 19, 1956 from J. W. Gorman, *et al.*, and W. A. Richardson Oil Co., *et al.*, respectively. Production is limited to depths down to 2,400 feet.

[15] Sheridan C. Lewis, Jr., Trustee, proposes to sell production from the Mabel Adami Lease under a gas sales contract dated February 2, 1956, between Ralph Rowden, *et al.*, sellers, and Southern Coast Corporation, buyer. Applicant acquired subject acreage through an assignment dated March 22, 1957 from Ralph Rowden, *et al.*

[16] Tiger Minerals, Inc., Operator, is filing for itself and on behalf of the following nonoperators: Warren B. Pinney, Jr., Frederick L. Anderson, Elizabeth T. Anderson, Carl Holmes, Jay Holmes, Nancy Holmes, Mason Letteau, E. G. Lindberg, Bacon L. and Katherine P. Cliffton, John Wayne and Phyllis P. Jeffry. All are signatory seller parties (Phyllis P. Jeffry through an assignment dated May 9, 1956 from Warren B. Pinney, Sr.) to the gas sales contract dated June 1, 1957.

[17] Katz Oil Company, Operator, is filing for itself and on behalf of the following nonoperators: John E. and Archie G. Long, Nat Goldsmith, Irving I. Mayer, Joe R. Straus and Mrs. D. J. Straus. All are signatory seller parties to the subject gas sales contract.

[18] Katz Oil Company, Operator, is filing for itself and on behalf of the following nonoperators: John E. and Archie G. Long, Nat Goldsmith, Irving S. Mayer, Joe R. Straus and Mrs. D. J. Straus. All are signatory seller parties to the subject gas sales contract.

[19] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the following nonoperators: James L. Free, Hugh J. Fitzgerald, Arthur Hanisch, Howard E. Huntington, A. H. Meadows, John B. Morse and W. L. Kistler, III who are signatory seller parties to the basic gas sales contract dated December 1, 1956. Tex-Star acquired its interest through assignment from Arnold H. Bruner & Co., by instrument dated June 15, 1957. In addition, Tex-Star is filing on behalf of the following nonsignatory nonoperators: Richard Calhoun, Burr Dalton, Jack Howard, Dr. John Tedford, Joseph P. Tuohy, John Philip Kistler, Mrs. Mollie Barnhart and Mrs. Sadie Parker.

[20] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the nonoperator, Hugh J. Fitzgerald, for their combined 25 percent working interest in certain acreage. Both are signatory seller parties to the subject gas sales contract.

[21] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the nonoperator, Hugh J. Fitzgerald. Both are signatory seller parties to the subject gas sales contract.

[22] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the

following nonoperators: Cherosage Producing Company, Hugh Fitzgerald, Katherine Frederick, C. A. Mansheim, Robert Owen, G. R. Swantner, Sr., Sam Susser, G. Frederick Travis, J. F. Whitehurst, L. L. Woodman, L. L. Woodman, Sr., Trustee, The Wyatt Company and Jack C. Helms. Tex-Star is the only signatory seller party to the subject gas sales contract.

[20] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Felix Atwood, Cherosage Producing Company, Frank Evans, Earl C. Gish, J. Morgan Greene, W. J. Hedrick, Elmer M. Hanson, Frank D. Hintze, John D. Howard, Raymond A. Johnson, A. Robert Lee, Jack H. Lynn, C. A. Mansheim, Wendell A. Morgan, Monroe Nowotny, Don Paul Nebeker, W. J. Piowaty, Trevor Rees-Jones, Murray & Edith Shell, Julius F. Sue, Dr. Joseph H. Thayer, Charles W. Wetegrove, Winnipeg Oil & Gas Company, L. L. Woodman, Jack C. Helms, Thomas R. Hartnett, III, Burt Kleiner and Adolph Green. Tex-Star is the only signatory seller party to the subject gas sales contract.

[21] Tex-Star Oil & Gas Corporation, Operator, is filing on behalf of the following nonoperators: Felix Atwood, Richard Calhoun, Earl C. Gish, J. Morgan Greene, Elmer Hanson, Frank Hintze, John Howard, Raymond Johnson, Jack Lynn, Dr. Wendell Morgan, Dr. Paul Nebeker, National Oil Associates, Trevor Rees-Jones, Murray & Edith Shell, Dr. Julius F. Sue, Dr. Joseph H. Thayer, Marsha Kreiss, Trust, and Robert Kreiss, Trust. Tex-Star is the only signatory seller party to the subject gas sales contract, however, Tex-Star is not listed as owner of any working interest.

[22] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Cherosage Producing Company, Frank Evans, W. J. Hedrick, Jr., John L. Jordan, C. A. Mansheim, Mojo Company, Piowaty Enterprises, G. R. Swantner, Sr., Sam Susser, T. A. & Doris Trachta, Charles Wetegrove, B. B. Warren, L. L. Woodman, Dr. and Mrs. Mon Q. Kwong, H. H. Howard and Beatrice Howard, John D. Howard, Murray and Edith Shell and Richard Calhoun. Tex-Star is the only signatory seller party to the gas sales contract dated February 1, 1958.

[23] Tex-Star Oil & Gas Corporation, Operator, is filing on behalf of the following nonoperators: Richard A. Calhoun, H. H. Howard, et ux., John D. Howard, Burt Kleiner, Agent, Dr. & Mrs. Mon Q. Kwong and Dr. Wendell A. Morgan. Tex-Star is the only signatory seller party to the subject gas sales contract, however, Tex-Star is not listed as an owner of any working interest.

[27] Coastal States Gas Producing Company proposes to sell to United Gas Pipe Line Company natural gas produced and purchased by it from certain acreage pursuant to a basic gas sales contract dated August 1, 1958 and amendatory agreement adding additional acreage thereto dated December 18, 1958, to which basic contract and amendatory agreement Coastal is the only signatory seller party. Applicant will produce a portion of the subject gas; the remaining portion will be purchased. Amendments to subject application filed January 9, 1959 and January 29, 1959 request inclusion of six additional purchase agreements and deletion of four of said purchase agreements, respectively.

[28] B. L. Woolley, nonoperator, is filing for himself and on behalf of the following nonoperators: Bamoil, Inc., J. Paul Jackson and John L. Lancaster, Jr. All are signatory seller parties to the subject gas sales contract.

[29] Wynn D. Miller is filing for himself and on behalf of the following co-owners: Frank Wilson, Jr., Philip Fowler, Tiger Oil Corporation, Louis J. Kocurek and Milton V. Spencer. All are signatory seller parties to the subject gas sales contract.

[30] Lawrence G. Shelly, Operator, is filing for himself and on behalf of the following nonoperators: J. E. Hillier and Frank A. Morrison. All are signatory seller parties to the subject gas sales contract dated September 1, 1958.

[31] Tex-Star Oil & Gas Corporation, Operator, is filing on behalf of nonoperator, Burt Kleiner, Agent. Tex-Star is the only signatory seller party to the subject gas sales contract, however, Tex-Star is not listed as an owner of any working interest.

[32] Tex-Star Oil & Gas Corporation, Operator, is filing for itself and on behalf of the following nonoperators: Mojo Company, T. A. Trachta, Doris Trachta, W. J. Hedrick, Jr., H. W. Marschall, Jr., Frank G. Evans, A. B. Patterson, L. L. Logue, Raymond W. Bartgis and Winnipeg Oil & Gas Company. All are signatory seller parties to the subject gas sales contract.

[F.R. Doc. 59-7015; Filed, Aug. 24, 1959; 8:45 a.m.]

[Docket No. G-18942]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 17, 1959.

Take notice that on July 8, 1959, United Gas Pipe Line Company (Applicant) filed in Docket No. G-18942 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1960 of minor, routine facilities for making not more than 25 direct industrial sales of natural gas on a temporary basis to road building contractors along Applicant's pipeline system traversing the states of Alabama, Florida, Louisiana, Mississippi and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

This "budget type" application contemplates an average cost of approximately $500 for each road construction project with an average natural gas requirement of approximately 16,000 Mcf per project customer.

The subject proposal is intended to save time for Applicant and customers by making unnecessary the preparation and filing of individual applications and the processing and hearing of same by the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 29, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-7036; Filed, Aug. 24, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1710]

CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS RAILWAY CO.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

AUGUST 18, 1959.

In the matter of Cleveland, Cincinnati, Chicago & St. Louis Railway Company, Common Stock, 5 Percent Non-Cumulative Preferred Stock, File No. 1-1710.

The New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

On July 15, 1959, the New York Central Railroad Company held all but 12,265 preferred and 3,881 common shares. Holders were reported at 410 for the preferred and 163 for the common.

Upon receipt of a request, on or before September 2, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information

contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7018; Filed, Aug. 24, 1959; 8:45 a.m.]

[File No. 7-2015]

GLEN ALDEN CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 18, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Glen Alden Corporation, Common Stock, File No. 7-2015.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before September 2, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7019; Filed, Aug. 24, 1959; 8:46 a.m.]

[File No. 24S-1608]

HERA EXPLORATION CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 19, 1959.

I. Hera Exploration Company (issuer), a Washington corporation, 115 Seventh Avenue, Renton, Washington, filed with the Commission on April 29, 1958, a notification on Form 1-A and an offering circular, and filed amendments thereto, relating to an offering of 620,000 shares of its $.10 par value common stock, at $.15 per share, for an aggregate amount of $93,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. An exemption under Regulation A is unavailable by reason of Rule 261(a)(5), in that proceedings have been initiated for the purpose of enjoining Clinton Mining & Milling Co., an affiliate of the issuer, from engaging in conduct or practices in connection with the sale of securities.

B. An exemption under Regulation A is unavailable by reason of Rule 261(a)(6) in that proceedings have been initiated for the purpose of enjoining William H. Pillatos, an officer, director, promoter, and principal security holder of the issuer, from engaging in conduct or practices in connection with the sale of securities.

C. The terms and conditions of Regulation A have not been complied with, in that:

1. An offering circular was not used in connection with the offering of the issuer's securities to the public, as required by Rule 256(a)(1):

2. Letters, pamphlets, and other sales materials were used in connection with the offering although such communications were not filed with the appropriate regional office, as required by Rule 258;

3. The notification on Form 1-A fails to disclose the names and addresses of all the issure's affiliates, as required by Item 2(b);

4. The notification on Form 1-A fails to set forth fully the information required by Items 5 and 9 as to the issuer's affiliates;

5. The notification on Form 1-A fails to state all jurisdictions in which the issuer proposed and proposes to offer its securities.

D. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the issuer's relationship with Clinton Mining & Milling Co., an affiliate;

2. The failure to disclose all material transactions between the issuer and its affiliate Clinton Mining & Milling Co.;

3. The failure to disclose all material transactions of directors, officers, and controlling persons with the issuer and its affiliate Clinton Mining & Milling Co.;

4. The failure to disclose adequately the results of work on the issuer's properties;

5. The quotation on page 8 "* * * It is estimated that 50,000 tons of ore reserves containing about 2½ percent copper is available. * * *" in view of the fact that the issuer stated no body of commercial ore is known to exist on the property.

E. The offering was made and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7020; Filed, Aug. 24, 1959; 9:46 a.m.]

[File No. 1-2645]

F. L. JACOBS CO.

Order Summarily Suspending Trading

AUGUST 19, 1959.

I. The common stock, $1.00 par value, of F. L. Jacobs Co. is registered on the New York Stock Exchange and admitted to unlisted trading privileges on the Detroit Stock Exchange, national securities exchanges, and

II. The Commission on February 11, 1959 issued its order and notice of hearing under section 19(a)(2) of the Securities Exchange Act of 1934 to determine at a hearing beginning March 16, 1959 whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of F. L. Jacobs Co. on the New York Stock Exchange and Detroit Stock Exchange for failure to comply with section 13 of the Act and the rules and regulations thereunder.

On August 7, 1959 the Commission issued its order summarily suspending trading of said securities on the exchanges pursuant to section 19(a)(4) of the Act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days ending August 19, 1959.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the New York Stock Exchange and Detroit Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the further opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, trading in the stock of F. L. Jacobs Co. will be unlawful under section 15(c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule 240.15c2-2 (17 CFR 240.15c2-2) thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the New York Stock Exchange and Detroit Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 20, 1959 to August 29, 1959, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7021; Filed, Aug. 24, 1959; 8:46 a.m.]

[File No. 1-1671]

PITTSBURGH, FT. WAYNE & CHICAGO RAILWAY CO.

Notice of Application to Strike From Listing and Registration, and of Opportunity for Hearing

AUGUST 18, 1959.

In the matter of Pittsburgh, Ft. Wayne & Chicago Railway Company, Common Stock, File No. 1-1671.

The New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

On June 30, 1959, the Pennsylvania Railroad Company held all but 5,746 shares and holders of record numbered only 155.

Upon receipt of a request, on or before September 2, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7022; Filed, Aug. 24, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 175]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 20, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62358. By order of August 19, 1959, the Transfer Board approved the transfer to Clarence R. Smith and Maxine Rae Smith, a partnership, doing business as Griffith Transfer & Storage Co., 2113 W. Main St., Alhambra, Calif., of Certificate No. MC 8347, issued July 16, 1953, to Orloff B. Griffith, doing business as Griffith Transfer and Storage Company, 2113 W. Main St., Alhambra, Calif., authorizing the transportation of: Household goods between Los Angeles, Calif., on the one hand, and, on the other, Alhambra, Calif., and points within 5 miles of Alhambra, Calif.

No. MC-FC 62375. By order of August 19, 1959, the Transfer Board approved the transfer to Max Binswanger, doing business as Max Binswanger Trucking, Downey, California, of a certificate in No. MC 116314 issued March 12, 1957, to Harry D. Blanchard, Rialto, California, authorizing the transportation of cement, over irregular routes, from Colton and Victorville, Calif., to points in Clark and Lincoln Counties, Nev.; and empty cement containers, on the return trip. Ivan McWhinney, Bailey & McWhinney, 639 South Spring Street, Los Angeles 14, California.

No. MC-FC 62394. By order of August 18, 1959, the Transfer Board approved the transfer to Airline Vans, Inc., Dallas, Texas, of a Certificate in No. MC 107520, issued April 25, 1950, to William (Jack) Stewart, Harry O. Pulliam, and Robert L. Pettit, a partnership, doing business as Airline Vans, Dallas, Texas, authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between points within 500 miles of Fort Worth, Tex., including Fort Worth; between points within 500 miles of Fort Worth, Tex., including Fort Worth, on the one hand, and, on the other, points more than 500 miles from Fort Worth, in Alabama, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and the District of Columbia. Scott P. Sayres, 308 Danciger Building, 817 Taylor Street, Fort Worth, Texas.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-7032; Filed, Aug. 24, 1959; 8:48 a.m.]

TARIFF COMMISSION

[Investigation 81]

ZINC SHEETS

Notice of Investigation and Hearing

Investigation No. 81 under section 7, Trade Agreements Extension Act of 1951, as amended.

Investigation instituted. Upon application of Ball Brothers Company, Muncie, Ind., and others, received July 14, 1959, the United States Tariff Commission, on the 20th day of August 1959, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether zinc in sheets (including coated or plated sheets), classifiable under paragraph 394 of the Tariff Act of 1930 are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on November 3, 1959, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: August 20, 1959.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 59-7043; Filed, Aug. 24, 1959; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during August. Proposed rules, as opposed to final actions, are identified as such.